

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, August 8, 2008
Saturday, August 9, 2008
Radisson Woodlands Hotel
1175 West Route 66
Flagstaff, Arizona 86001

PRESENT: (Commission)

(Director's Staff)

Chairman William H. McLean
Vice Chairman Robert D. Hernbrode
Commissioner Jennifer L. Martin
Commissioner Robert R. Woodhouse
Commissioner Norman W. Freeman

Director Larry D. Voyles
Acting Deputy Director Bob Broscheid
Assistant Attorney General Shelley Cutts

Chairman McLean called the meeting to order at 8:00 a.m. This meeting followed an agenda revision #1 dated August 1, 2008. The Commission went immediately into Executive Session.

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1. Executive Session

The Commission voted to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A)(3) and (4) for the purpose of discussion and consultation with legal counsel.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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The Public Meeting reconvened at 9:36 a.m.

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Chairman McLean called the meeting back to order and lead those present through the Pledge of Allegiance. The Commission introduced themselves and Chairman McLean introduced the Director and the Director's staff.

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2. Litigation Report

The Litigation Report (attached to these minutes) was provided to the Commission prior to this meeting and was available to the public. There were no comments or questions on this report.

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3. Director's Goals and Objectives Update - 2008

Presenter: Larry D. Voyles, Director

Chairman McLean suggested that the Commission direct the Department to schedule a Work Session meeting in about 60 days or more from now, both an Executive and a Public Session, in which the Commission and Director can take as much time as needed to evaluate the Goals and Objectives, their application, and perhaps even restructure them.

The Commission was in consensus.

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4. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles provided the Commission with a detailed summary of the past legislative session (also available to the public), and briefed the Commission using a PowerPoint presentation. The presentation included an analysis with charts and graphs of the votes of the Arizona State Legislature as they related to the legislative positions of the Commission.

Chairman McLean suggested that the Department contact the Legislators that are not necessarily on the Natural Resources, Transportation, or Public Safety Committees, but have been supportive of the Department and the Commission's positions, and let them know how much their support is appreciated.

Mr. Guiles provided the following additional updates on federal legislation:

- There was a hearing on July 10 regarding the Resolution Copper legislation. The Department will continue to keep the Commission updated on this legislation
- The House Natural Resources Committee has the authority to withdraw the Grand Canyon lands from uranium mining; however, there is some question as to whether the Department of Interior will heed the advice of the Natural Resource Committee and withdraw those lands.

Chairman McLean confirmed with Mr. Guiles that the Department is continuing to keep the Tumacacori legislation on its radar as it progresses.

Mr. Guiles mentioned the legislative tours that have been scheduled with different legislators and their staff and invited the Commission to participate in any or all of those tours.

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13. Consent Agenda

The following items were grouped together and noticed as consent agenda items to expedite action on routine matters. These items were provided to the Commission for consideration prior to this meeting and the Department requested that the Commission approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General.

Director Voyles presented all of these items to the Commission and the Commission requested that item “c” be removed from the consent agenda for discussion.

a. Memorandum of Understanding with Purdue University

Presenter: Chantal O’Brien, Research Branch Chief

The Department works with various universities whose staff and faculty provide specialized expertise and technical services that support the Department’s mission and benefit Arizona’s fish and wildlife resources and citizens. These interactions also create mutually beneficial education, research, and outreach opportunities. Cooperative efforts with universities are generally accomplished under Agreements or Memoranda of Understanding (MOU), which establish formal lines of communication and provide a legal and procedural framework for subsequent collaboration at the project level. Currently, the Department has agreements in place with all three Arizona universities and a number of other institutions across the United States. Previous work with personnel at Purdue, particularly on genetic analysis of Sonoran pronghorn and other wildlife, has demonstrated the value of a collaborative relationship with the university. This MOU would establish a working partnership with Purdue University for mutually beneficial educational and research opportunities.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE A NEW MEMORANDUM OF UNDERSTANDING WITH PURDUE UNIVERSITY AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

b. Request for the Commission to Approve the Utility Permit Agreement with Arizona Public Service for the Purpose of Continuing Service for Installation, Operation, and Maintenance of Electric Poles and Lines That Provide Electricity to Irrigation Well Sites #2 and #4 at the Powers Butte Wildlife Area, Maricopa County, Arizona.

Presenter: Josh Avey, Habitat Branch Chief

Arizona Public Service (APS) has requested a utility permit agreement for the purpose of continuing service for installation, operation, and maintenance of electric poles and lines providing electricity to irrigation well sites #2 and #4 at Powers Butte Wildlife Area, Maricopa County, Arizona be extended. This Agreement would serve to continue to grant APS a ten-year, five-foot wide utility right-of-way to provide necessary maintenance for the Department. The Department has determined that the electric service is necessary for irrigation and operation of Powers Butte Wildlife Area and of direct benefit to the Commission. This right-of-way is in the public interest and consistent and compatible with the operation of Powers Butte Wildlife Area. Because this is for the benefit of the Department, fees have been recommended at \$1.00 for the term of the Agreement.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE THE UTILITY PERMIT AGREEMENT WITH ARIZONA PUBLIC SERVICE FOR THE PURPOSE OF CONTINUING SERVICE TO INSTALL, OPERATE AND MAINTAIN ELECTRIC POLES AND LINES THAT PROVIDE ELECTRICITY TO IRRIGATION WELL SITES #2 AND #4 AT POWERS BUTTE WILDLIFE AREA, MARICOPA COUNTY, ARIZONA, AND AUTHORIZE THE DIRECTOR, AS SECRETARY TO THE COMMISSION, TO EXECUTE THE

AGREEMENT AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

d. The Commission will be asked to vote to approve an Intergovernmental Agreement (IGA) with Pima County for a research study to determine culvert use by wildlife and a fence study to direct animals to the culverts.

Presenter: Chantal S. O'Brien, Research Branch Chief

Pima County has passed a bond issue to include wildlife connectivity in new road construction within Pima County. However, data are lacking on the culvert characteristics that are used by various guilds of smaller animals within the Sonoran Desert to cross under roadways. This study, funded by Pima County, is designed to monitor existing culverts to determine species use and parameters of culverts used by particular species or guilds of species, for example lizards. Crossing structures can be made more effective by fencing that funnels animals to the crossing structures and also keeps them off the highways. Little is known about fence characteristics that will keep smaller animals off roadways in the Sonoran Desert. This study will experimentally determine fence characteristics that obstruct passages of various guilds of small animals, such as lizards, across roadways and directs them to safe crossing structures. The results of the study will then be used by design engineers as guidelines to design culvert crossing structures and fencing based upon species known to be in the area that will effectively cross animals from one side of a roadway to another and reduce mortality of small animals on roadways.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE THE INTERGOVERNMENTAL AGREEMENT WITH PIMA COUNTY AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

e. Memorandum of Understanding with Arizona State Parks Board

Presenter: Chantal O'Brien, Research Branch Chief

The Arizona State Parks Board oversees the management of numerous parks throughout the state that maintain significant wildlife populations and their habitats. This MOU would establish the terms and conditions for a working relationship between the Department and the Arizona State Parks Board for the common purpose of developing and maintaining fish and wildlife resources and their habitats in the best interests of the people of Arizona. This MOU would establish the basis for mutually agreeable projects that impact management and restoration activities on State Park lands.

The Department recommended THAT THE COMMISSION VOTE TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH ARIZONA STATE PARKS BOARD AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Motion: Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS A, B, D, AND E AS PRESENTED.

Vote: Unanimous

c. Request for Commission Approval of a 10-year Permit Agreement Renewal with the City of Flagstaff for a 3-Acre Playground and Bus Stop at the Commission-owned Bow and Arrow Park Property Located in Coconino County, Arizona.

Presenter: Josh Avey, Habitat Branch Chief

Since 1966, the City of Flagstaff (City) has had a Permit Agreement (Agreement) with the Commission to use approximately three (3) acres of Commission-owned property known as the Bow and Arrow Park located in Coconino County. This property is used as a playground and bus stop for school children. The current Agreement is for a period of ten (10) years commencing August 14, 1998 and terminating August 13, 2008. The City has renovated Bow and Arrow Park, insures the Park, and has expressed an interest in renewing this permit.

Mr. Avey discussed this item with the Commission and provided additional information.

Chairman McLean commented that with this Commission meeting in Flagstaff it was a good opportunity if any Commissioners wanted to visit the sites.

Motion: Woodhouse moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE A 10-YEAR PERMIT AGREEMENT RENEWAL WITH THE CITY OF FLAGSTAFF FOR A 3-ACRE PLAYGROUND AND BUS STOP AT BOW AND ARROW PARK LOCATED IN COCONINO COUNTY, ARIZONA AND AUTHORIZE THE DIRECTOR TO APPROVE THE AGREEMENT AS APPROVED OR RECOMMENDED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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5. The Commission will be provided informational presentations from an opponent and proponent of the State Trust Land Conservation Initiative. The Commission may vote to take a position or provide direction to the Department regarding this initiative application.

Presenter: Anthony Guiles, Legislative Liaison

The State Trust Land Ballot Initiative is intended to amend the Constitution of Arizona by permanently designating approximately 570,000 acres of land for conservation. The Initiative would amend Article X, Sections 3, 4, and 7 and adds Section 12. Proponents and opponents were invited to present the Commission with information regarding their respective positions on this ballot initiative.

The following addressed the Commission in opposition to the Initiative:

Dean Martin, Arizona State Treasurer, provided a PowerPoint presentation. Mr. Martin believed that the Initiative was not in the best interest of the beneficiaries of the State Land Trust, particularly the public school systems.

Joe Sigg, Director of Government Affairs, Arizona Farm Bureau, opposed because this Initiative changes the mission of the State Trust Land in that it adds conservation as a value without compensation.

The following addressed the Commission in support of the Initiative:

Jake Logan, Campaign Consultant with Molera Alvarez Group, provided maps and information about the acreage involved. Mr. Logan believes that the Initiative is consistent with the Commission's mission related to wildlife and conservation, and that 80% of the acreage involved is land that cannot be developed because it is either in flood plains or mountainous terrain.

Mark Winkleman, Arizona State Land Commissioner, believes that this Initiative will legalize the Arizona Preserve Initiative for conserving open space.

The Commission participated in a question and answer discussion with both the proponents and opponents of the Initiative.

Commissioner Martin requested that the Commission table this item, as well as the next agenda item on the TIME Initiative, and not take a formal position until the Department completes an analysis of what is in the best interest of wildlife. Commissioner Martin has asked Department staff to provide information about this measure's benefits to wildlife as well as the TIME Initiative's impacts to wildlife.

The Commission was in consensus that their position would be what was in the best interest of wildlife and that they would not take a formal position at this time.

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6. Transportation and Infrastructure Moving Arizona's Economy ("TIME") Act

Presenter: Anthony Guiles, Legislative Liaison

The Transportation Infrastructure Moving Arizona's Economy (T.I.M.E.) Initiative is an effort to reduce traffic congestion and pollution produced from Arizona's statewide transportation system. Proponents and opponents were invited to present the Commission with information regarding their respective positions on this ballot initiative.

The following addressed the Commission in support of the Initiative:

Tom Ziemba, Campaign Manager with the TIME Coalition, provided the Commission with a PowerPoint presentation.

Virginia Turner, Director, Governor's Northern Arizona Office, read a letter (attached to these minutes) from Governor Napolitano to ADOT Director Victor Mendez stating that with the passage of Proposition 203, her intentions are that ADOT and the Arizona Game and Fish Department join in a partnership to implement the Open Space Conservation and Wildlife Habitat Fund and that an intergovernmental agreement be drafted to establish that partnership.

Sara Presler, Mayor of Flagstaff, but representing herself spoke in support of the Initiative.

Richard Travis, Deputy Director, Arizona Department of Transportation, stated that if this Initiative doesn't pass, by next year the State will only be able to maintain current roads and will not be able to keep up with the anticipated future growth of Arizona.

The following addressed the Commission in opposition to the Initiative:

Jack Husted, formerly with the TIME Coalition Advisory Board, briefed the Commission on his reasons for changing from supporting to opposing the TIME Initiative. Reasons included that the Initiative does not address maintenance issues around the State and that the proposed percentage allocations do not meet the needs.

Jon Findley, Chair of Energy Committee, Sierra Club, Grand Canyon Chapter, spoke in opposition to the Initiative. Reasons included concerns for wildlife and wildlife habitat fragmentation related to building new roads.

Don Farmer, representing himself, spoke in opposition to the Initiative. Reasons included concerns related to the Open Space Conservation and Wildlife Fund which vests the funds in ADOT and not with the Arizona Game and Fish Department, and also puts the Game and Fish Department in the position of competing with other agencies and with non-profit organizations for grants. Non-governmental organizations should not be given public tax dollars for projects.

Chairman McLean noted the following letters written to the Commission on this issue:

- Sierra Club, opposed
- Nature Conservancy, support
- Yuma Valley Rod and Gun Club, opposed (Director Voyles read this letter into the record as requested by YVRGC – also attached to these minutes)

The Commission participated in a question and answer discussion with both the proponents and opponents of the Initiative. The Commission expressed several concerns with the Initiative including whether or not the language of the Initiative or an IGA would provide the Arizona Game and Fish Department or Commission any authority in how the funds are used.

The Commission was in consensus to table this item and not take a formal position at this time.

Chairman McLean tabled both agenda items #5 and #6 until the September Commission meeting.

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Meeting recessed for lunch at 12:46 p.m.

Meeting reconvened at 2:00 p.m.

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15. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife

Presenter: Gene Elms, Law Enforcement Branch Chief

Record of these proceedings is maintained in a separate minutes book in the Director's Office.

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16. Rehearing Request Regarding Previous License Revocation/Civil Assessment

Presenter: Gene F. Elms, Law Enforcement Branch Chief

Mr. Bradley J. Sears requested that the Arizona Game and Fish Commission grant a rehearing regarding the action taken on January 18, 2008, revoking his licenses to hunt, fish, and trap for a period of ten (10) years, civilly assessing him \$1,500.00 and further requiring that he complete a Hunter Education course before obtaining any license in the State of Arizona. The Commission was provided with all pertinent materials regarding this case prior to this meeting for review and consideration. The case officer, Officer Wagner was present.

Mr. Sears addressed the Commission apologizing for his actions, and further stated that he was unable to attend the initial hearing due to work. Mr. Sears requested that the Commission reconsider the 10-year revocation period, which is allowed for a second offense, because his first offense was only for not stepping completely off the road when he took a shot.

Chairman McLean confirmed with Mr. Sears that he shot a bear without a tag and after he shot the bear, he went and purchased a bear tag, and further that the bear was not recovered or tagged because Mr. Sears first could not get the bear out since it was late and dark and when he returned he could not find the bear.

Motion: Martin moved THAT THE COMMISSION VOTE TO REHEAR THIS CASE.

Motion died for lack of second.

Motion: Hernbrode moved and Woodhouse seconded THAT THE COMMISSION VOTE TO DENY MR. SEARS REQUEST FOR A REHEARING.

Vote: Aye - McLean, Hernbrode, Woodhouse, Freeman
Nay - Martin
Passed 4 to 1

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17. Rehearing Request Regarding Previous License Revocation/Civil Assessment

Presenter: Gene F. Elms, Law Enforcement Branch Chief

Mr. Jeffrey T. Fore requested that the Arizona Game and Fish Commission grant a rehearing regarding the action taken on April 18, 2008 revoking his licenses to hunt, fish, and trap for a period of two (2) years, invoking a civil assessment of \$8,000.00, and further requiring that he complete a Hunter Education course before obtaining any license in the State of Arizona. The

Commission was provided with all pertinent materials regarding this case prior to this meeting for review and consideration.

Mr. Fore was not present.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO DENY MR. FORE'S REQUEST FOR A REHEARING AND AFFIRM THE COMMISSION'S PREVIOUS DECISION.

Vote: Unanimous

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Meeting recessed for a break at 3:47 p.m.

Meeting reconvened at 4:07 p.m.

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7. Information and Education Activities Briefing

Presenter: Ty Gray, Assistant Director, Information and Education Division

The Commission was provided with an Information and Education Program Report prior to this meeting (also provided to the public), which presented new information as well as progress toward ongoing issues and concerns related to Information and Education programs. The update covered activities and events that occurred since the June 2008 Commission meeting and was provided in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding the Department's Information and Education programs.

Mr. Gray updated the Commission on the SCTP athletes from Arizona stating that they competed in the National Tournament in Illinois and did very well, bringing back five medals.

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8. Discounts for SCTP Participants

Presenter: Ty Gray, Assistant Director, Information and Education Division

At its June 2008 meeting the Commission requested a future agenda item to discuss the concept of providing additional support at the Ben Avery Clay Target Center for SCTP participants preparing for National competitions. Mr. Gray provided a briefing on the feasibility and some potential options for providing support in the way of discounts or grants at the facility. The options were as follows:

- Provide Discounted targets at CTC
- Grant clubs \$56 per athlete qualified for the Nationals
- Provide bulk targets and ammunition at CTC Cost
- Department reimbursement of target and registration fees incurred by athletes at the Nationals

The Commission was in consensus that it was not reasonable for the Department to provide these discounts or grants and that this was a good place for the non-government organizations to participate in raising funds to cover some of the costs.

Chairman McLean commented that for any youth in the State of Arizona that falls in the appropriate age range and wants to get involved in shooting sports, the Department gives them a gun to use at no cost, 50 rounds of ammunition at no cost every other week, and 50 rounds of clay targets at no cost every other week. Also, multiple coaches are provided for instruction. If you compare that to other youth sports like little league baseball or soccer, etc., you will not find any community or government organization that gives as much as the Department already does. That advanced opportunity to go the Nationals or to have the extra targets to shoot so that you can go to the Nationals needs to be covered by an entity other than the Department.

The Commission was in consensus and no action was taken on this item.

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9. Commission Briefing on Status of New Wildlife Center

Presenter: Mark Weise, Development Branch Chief

Mr. Weise provided the Commission with a PowerPoint presentation on the current status of the Department's new wildlife center facility. The new wildlife center project is entering its final phase of design. The update included subsequent updates on design progress, budget status, and other current issues related to the project, as well as the following project scheduling:

- Bid Ready/Construction Documents – End of August
- Invitation for Bids/Contract Award – September/October
- Start Construction – November
- Construction Complete – April/May

The presentation also included maps of the Site Plan and the Master Plan for the Wildlife Center Complex outlining the following facilities:

- Floor Plan of Administration/Animal Care Building (Approximately 2400 sq ft)
- Layout of 8 Exhibit Pens
- Future Educational Holding Pens & Flight Pens
- Future Amphitheater

Mr. Weise discussed with the Commission that the approved budget of \$900,000 from WCF funds would not cover the exhibit pens, holding pens, flight pens, or the amphitheater. The total cost for the facility as presented with all the pens and the amphitheater would be \$2,285,000.

Commissioner Freeman shared his personal experiences with the Adobe Wildlife Center and expressed his concern for any changes or scaling back in the functions of the center that may be associated with moving to the new location if all the necessary facilities are not available. Further, Commissioner Freeman commented on how valuable the wildlife center is to the public and to the Arizona Game and Fish Department.

The Commission was in consensus that the Wildlife Center needed all the necessary facilities ready at the time of the move and further discussed with Department staff how the additional funds might be raised, agreeing that it was doable.

Motion: Freeman moved and Hernbrode seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO MOVE FORWARD ON THE BID FOR CONSTRUCTION OF THE BASE DESIGN (\$900,000) OF NEW WILDLIFE CENTER AS PRESENTED.

Vote: Unanimous

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10. An Update on Current Issues, Planning Efforts, and Proposed Projects on All Lands in Arizona and Other Matters Related Thereto

Presenter: Josh Avey, Habitat Branch Chief

A copy of the Lands Update report was provided to the Commission prior to this meeting and is included as part of these minutes. The update addressed decisions or activities since the June 2008 Commission meeting. This update is in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all State and Federal lands in Arizona.

Mr. Avey provided the following additional update:

- The Department was informed that the Federal Register Notice for the Agua Fria National Monument and Bradshaw Harquahala Proposed Resource Management Plan and final EIS was scheduled to be published today, August 8. The Department has not seen it yet, but will review it and bring that back to the Commission at the September Commission meeting.

Chairman McLean commented for the record that the Department needed to move forward on some contacts regarding some substantial private land that could potentially be made available for both prairie dogs and antelope in Region V.

Eric Gardner, Nongame Branch Chief, reported to the Commission that he will be following up on that. Mr. Gardner further provided the Commission with maps, using a PowerPoint presentation, of proposed areas near Las Cienegas that are being evaluated for release of black-tailed prairie dogs.

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12. Call to the Public

There were no requests from the public to speak.

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14. Update on the status and Department coordination on new air quality regulations as proposed or enacted by State, County and Municipal Governments pursuant to passage of Senate Bill 1552 and their impacts on vehicular access for hunters and anglers in Maricopa and Pinal Counties.

Presenter: Mike Senn, Assistant Director of Field Operations
Shelley Cutts, Assistant Attorney General

In response to air quality issues in the greater Phoenix metropolitan area, the Arizona Legislature passed Senate Bill (SB) 1552 in 2007. Among other things, SB 1552 amended Arizona Revised Statutes Titles 9, 11, and 49 to impose additional duties on counties and municipalities with respect to unpaved surfaces in an effort to limit or reduce airborne pollution from fugitive dust also known as PM10 emissions. Pursuant to passage of SB 1552, Maricopa and Pinal Counties have initiated or passed ordinances restricting or prohibiting the use of motorized vehicles on unpaved surfaces. Some of these ordinances can or will impact the use of motorized vehicles by persons attempting to engage in lawful hunting or fishing activities in Maricopa and Pinal Counties.

Mr. Senn provided the Commission with an update on the status of the Department's coordination efforts with various entities in an effort to minimize impacts to hunters and anglers while reducing PM10 emissions from these activities. Other Department activities related to this issue have included negotiations with the Arizona State Land Department and Maricopa County in an effort to maintain reasonable access for sportsmen while complying with efforts to reduce particulate emissions. Department personnel have also scheduled informational presentations to wildlife and sportsmen organizations (AAF - August 11, ADA - August 19, ADBSS - Sept.10, AZ Predator Callers - August 14, Wildlife Conservation Council - August 26) and added educational information to the AGFD Website called: "*Dust ordinances and what they mean to you*".

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18. Call to the Public

There were no requests from the public to speak.

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Meeting recessed for the day at 5:14 p.m.

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Meeting reconvened Saturday at 8:00 a.m.

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Chairman McLean called the meeting to order at 8:00 a.m. and lead those present through the Pledge of Allegiance. The Commission introduced themselves and Chairman McLean

introduced the Director and the Director's staff. This meeting followed an agenda revision #1 dated August 1, 2008.

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Awards and Commissioning of Officers

There were no awards or commission of officers at this meeting.

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1. Statewide Shooting Range Briefing

Presenter: Jay Cook, Education Branch Chief, Information and Education Division

The Commission was provided with a Statewide Shooting Range Update prior to this meeting of Department activities related to shooting range support and development statewide. The update, also available to the public, covered activities that occurred since the June 2008 Commission meeting. The statewide shooting range briefing is part of the Department's ongoing commitment to provide the Commission with updates on statewide shooting range development and shooting sports in general.

Mr. Cook recapped several items in the Update using a Power Point presentation and provided some additional information.

Regarding the Wickenburg Shooting Range relocation efforts, the Department was notified by the BLM that the Town of Wickenburg requested and has received a 20-year lease extension on the current shooting range location. The BLM also stated that the Town could go to patent on the current lease. There is also a possibility to expand that range through an RP&P on adjacent lands at the current facility. The Department recommended that the Commission give the Department direction to discontinue the RP&P application process for relocating the current Wickenburg Range.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO DISCONTINUE THE RP&P APPLICATION PROCESS FOR RELOCATING THE CURRENT WICKENBURG RANGE.

Vote: Unanimous

Public Comment

Regarding the Northern Arizona Shooting Range, the following Munds Park residents addressed the Commission in opposition to a shooting range in Willard Springs. Concerns included noise from firearms, congestion from increased visitors to the area, development, and concerns for wildlife and wildlife habitat:

- Gay Chanler
- Bob Ganelin
- Forrest Dougherty

- W. H. McFarlin
- Sharon Moore
- F.C. Harris
- Jody Strohmeyer
- Bette Crumrine

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2. Presentation on the Department's Recommendation to Implement an Additional Application Form for the Spring Hunt Draw Process

Presenter: Bob Miles, Information Branch Chief

In an effort to further streamline the hunt application process for the public, the Department proposed to implement a writeable Adobe Acrobat (or pdf) application form for the spring draw. This form can be completed by the applicant in two ways: printed and completed by hand (currently available); or completed using a computer keyboard (proposed). However, both methods require the applicant to submit the completed application by mail or drop-off.

Mr. Miles briefed the Commission using a PowerPoint presentation that included recommendations related to verbiage and lay-out to be used for website and hunt proclamation notification. The Department believes providing an additional form that can be completed by computer will reduce rejection rates related to penmanship errors and provide better customer service to constituents.

The Commission discussed that the online draw application must sufficiently include a prominent message that the online application form is only a form and is not submitted online, but must be printed and submitted by mail or by drop off to the Department.

Motion: Martin moved and Hernbrode seconded THAT THE COMMISSION VOTE TO APPROVE THE USE OF A WRITEABLE PDF HUNT PERMIT APPLICATION FORM FOR HUNT PERMIT DRAWS.

Vote: Unanimous

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3. Nongame Subprogram Activities Briefing; December 10, 2007 through June 30, 2008

Presenter: Eric Gardner, Nongame Branch Chief

Mr. Gardner briefed the Commission regarding activities under the Nongame Subprogram; December 10, 2007 through June 30, 2008. This item was for Commission information only. The Commission received a written report prior to this meeting for review (also available to the public). Mr. Gardner discussed with the Commission several items of particular interest.

Commissioner Hernbrode requested that the Department continue its extraordinary efforts to ensure robust bald eagle populations in Arizona, and that the Department conduct the genetic

analysis to put to rest the argument of whether or not this is a distinct population. Further, Commissioner Hernbrode requested that more data be collected, particularly in regards to survival in the dispersal age group of 2-4 years of age, and that greater effort be made by the Department to build trust with certain organizations or people concerned with bald eagle issues.

Chairman McLean commented that the cost associated with additional research requested by Commissioner Hernbrode would need to be considered by the Commission. Mr. Gardner will provide the Commission with a cost analysis for the research.

The Commission and Mr. Gardner further discussed the listing/delisting issues related to bald eagles in the Sonoran Desert habitat and surrounding habitats. Maps and slides were provided using a PowerPoint presentation. Mr. Gardner provided additional information including existing bald eagle protections such as the Arizona Revised Statutes (17-236.A), the Federal Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act, as well as site specific bald eagle protections. The Department will evaluate the habitat protection mechanisms under Title 17 that are currently available or that could be proposed for future rulemaking.

Commissioner Martin requested a follow up discussion with Branch Chiefs Gardner and Avey on bald eagle related issues and habitat protection.

The Commission discussed other items in the report including condors and the non-lead ammunition program.

Commissioner Martin requested that the Department continue outreach efforts and follow up on the effectiveness of the outreach regarding lead contamination of California condors on the Kaibab.

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Meeting recessed for a break at 10:05 a.m.

Meeting reconvened at 10:27 a.m.

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3. (Continued) Nongame Subprogram Activities Briefing; December 10, 2007 through June 30, 2008

Presenter: Eric Gardner, Nongame Branch Chief

Public Comment

Stephanie Nichols-Young, Animal Defense League of Arizona, appreciates the report on non-game programs and the Department's efforts in this area. Ms. Nichols-Young agreed with the need for better relations between the Department (and other government organizations) and conservation groups and suggested better communication and sharing of science data and other pertinent information. Also supports the wolf recovery program and expressed concerns to the Commission.

The following addressed the Commission in support of the wolf recovery program, expressing some concerns and supporting wolf recovery in the Grand Canyon area:

Paula-Marie Lewis, Project Director, Grand Canyon Wolf Recovery Project
David Lash, representing himself
Kim Crumbo, Director of Conservation, Grand Canyon Wildlands Council
Erin Celona, volunteer and teacher

Jean Meyers, Northern Arizona Representative for ADLA, submitted a speaker card with comments supporting the wolf recovery program.

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4. Memorandum of Understanding between the United States Department of the Interior Fish and Wildlife Service Region 2 and the Arizona Game and Fish Commission on Roles and Responsibilities for Implementing the Endangered Species Act in Arizona

Presenter: Eric Gardner, Nongame Branch Chief

The Arizona Game and Fish Department (Department) and the United States Department of the Interior Fish and Wildlife Service Region 2 (Service) have operated for the last six years under a Memorandum of Agreement (MOA) titled *State Wildlife Agency Participation in Implementing the Endangered Species Act: State of Arizona*. At the end of the fifth year of the MOA, the MOA was extended by one year and Department staff was assigned to update the MOA as necessary and to develop it into a formal Memorandum of Understanding (MOU).

The purpose of this MOU is to facilitate joint participation, communication, coordination, and collaboration between the U.S. Fish and Wildlife Service Region 2 Endangered Species Program and the Department regarding implementation of the Endangered Species Act of 1973 (ESA), within the State of Arizona. The MOU follows the format of the ESA and thus provides instructions to both Department and Service staff regarding expectations for each Section of the ESA as is appropriate. This MOU establishes the master framework for future supplemental or specific agreements to follow, however it commits no financial resources on the part of either party. It establishes a framework for cooperation. Any future arrangements to exchange financial resources in return for services would be subject to subsequent agreements. The Commission was provided with a copy of the MOU prior to this meeting for review and consideration.

The Commission discussed some of the language in the MOU and suggested changes for clarification.

Chairman McLean stated that this was the first he heard of any changes to the language and did not believe it was appropriate to change the language on the floor at this time, and if changes were necessary, then this item should be tabled until the MOU is complete and ready to be presented to the Commission.

Commissioner Martin stated that the suggested changes were non-substantive and only for the purpose of clarification.

Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO FINALIZE NEGOTIATIONS, EXECUTE, AND AMEND AS NECESSARY, A NEW MEMORANDUM OF UNDERSTANDING AMONG THE DEPARTMENT AND UNITED STATES DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE REGION 2 ON ROLES AND RESPONSIBILITIES FOR IMPLEMENTING THE ENDANGERED SPECIES ACT IN ARIZONA.

Further discussion between the Commission, Mr. Gardner and Ms. Cutts lead to the following amended motion approved by Commissioners Hernbrode and Martin.

Amended Motion: Hernbrode moved and Martin seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE DEPARTMENT TO FINALIZE NEGOTIATIONS, EXECUTE, AND MAKE NON-SUBSTANTIVE CHANGES AS NECESSARY, A NEW MEMORANDUM OF UNDERSTANDING AMONG THE DEPARTMENT AND UNITED STATES DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE REGION 2 ON ROLES AND RESPONSIBILITIES FOR IMPLEMENTING THE ENDANGERED SPECIES ACT IN ARIZONA.

Vote: Aye - Hernbrode, Martin, Woodhouse, Freeman
Nay - McLean
Passed 4 to 1

Public Comment

Steve Spangle, Field Supervisor, Arizona Ecological Services Office, USFWS, addressed the Commission and briefed them on the USFWS review and position on the MOU. The relationship between the USFWS and the Department has been exemplary and this MOU is just a routine matter for conducting business between the agencies. He did not anticipate any changes to the MOU on the part of the USFWS and did not anticipate any issues arising from non-substantive changes made to the MOU by the Department or Commission.

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5. Consideration of Proposed Commission Order 21–Waterfowl and Commission Order 22-Snipe for the 2008-2009 Hunting Season.

Presenter: Mike Rabe, Small Game Program Supervisor

Mr. Rabe briefed the Commission using a PowerPoint presentation that included current and historical information with charts and graphs. The Commission was asked to consider and approve Commission Order 21 (Waterfowl) and Commission Order 22 (Snipe), establishing seasons and season dates, bag and possession limits, and open areas. A detailed description of all proposals were provided to the Commission prior to this meeting for review and was available for public review at all Department offices.

Commission Order 21 – Waterfowl

Western Mallard Model: This year, the U.S. Fish and Wildlife Service, along with the Pacific Flyway, implemented a Western Mallard Model that split the Alaska birds from the mid-continent estimate. Along with the Alaska birds, breeding population estimates from California and Oregon are combined to form the western mallard breeding population estimate. There are plans to include Washington mallards in the near future. These western mallards are then used to determine the duck harvest packages in the Pacific Flyway. For the Pacific Flyway and the USFWS, this new model is a more equitable way to apportion harvest. In other words, most of the birds harvested in the Pacific Flyway are now estimated from birds that end up in the Pacific Flyway in the fall. Under the old system, most of the birds harvested in the Pacific Flyway were never counted. Once Washington is added, about 80% of the birds harvested in the Pacific Flyway will be included in the breeding population estimate used to set duck seasons each year. This is a much better way to manage ducks in the Pacific Flyway than the previous system. The advantage to Arizona duck hunters is that season selection will likely become less vulnerable to the boom and bust cycles of the prairies. Western mallards, because of their different breeding areas, maintain steadier breeding populations. This should result in more stable duck seasons.

Ducks: For this year, the same harvest packages that were used when the Pacific Flyway was under the mid-continent model will be used. Although the breeding population numbers are in, the model runs were not complete at this time. Nevertheless, all indications are that this year's season will be liberal. Whatever the results may be, the season packages available are as follows:

1. Liberal, 107 day season, 7 bird bag limit;
2. Moderate, 86 day season, 7 bird bag limit;
3. Restrictive, 86 day season, 4 bird bag limit.

Both the Liberal and Moderate 2007 Federal framework packages for the Pacific Flyway allow for a 7-bird bag limit, with species bag restrictions of no more than two female mallards, two redheads, one pintail, one canvasback, and three scaup. The long-term average for pintail and scaup remain below the goals outlined in the management plans for both species. Because the population indices are below population goals, a continuation of the restrictive bag-limit of one bird per day will be in place for pintail and because of low survey numbers, canvasback season is closed this year. Scaup numbers remain below the long-term average by about 27%. A new harvest strategy was adopted for scaup this year in all four flyways. This year, because of the low survey numbers, scaup is an 86 day season this year with a two bird bag limit.

Geese: In 2002, the Pacific Flyway Council requested that the Service include geese in the duck framework extension as well. This was approved, allowing duck and goose seasons to run the same number of days. To assure that Canada goose reproduction in Northern Arizona is not disrupted, goose seasons within Units 1, 22, 23, and 27 start later than goose seasons in the rest of the state.

White goose (snow, blue, and Ross' geese) numbers continue to be high. Because of consistently high survey numbers, the bag limit for white geese was raised to ten per day in the interior states of the Pacific Flyway and six for the coastal states.

The Rocky Mountain Population (RMP) of Canada geese are the most important geese in the bags of hunters in the interior states. In July of 2001, the Pacific Flyway Council adopted the

management plan for this population of Canada geese, which established a breeding population index of 117,000 birds. Although Arizona typically supports approximately 20 to 40 breeding pairs, the majority of RMP geese wintering in Arizona migrate from northern interior states and southern Alberta, which are already above their respective breeding population objective. In 1999, the Pacific Flyway Council approved a recommendation to increase the daily bag limit on Canada geese from two to three birds. Arizona adopted the framework in the 1999-2000 Commission Order and has continued that recommendation. Results from the January 2007 waterfowl harvest survey revealed that of the 2,431 geese harvested in Arizona, the majority (approximately 1,671 birds), were harvested along the Colorado River.

Department Recommendation: The Department's recommendations are based on the Western Mallard model this year. Survey numbers in the western states are high, therefore the model selects a liberal season structure. In Arizona, the Department recommends different season opening and closing dates for the mountain and desert zones. It is most advantageous to hunters to open the season earlier in the mountain zone because birds arrive in mountain waters earlier than they do in the desert, and winter storms often drive those birds to the desert part of the state late in the season. In the desert zone, the season should be open as late as possible because birds typically remain in that zone through February.

Liberal Package

	<u>Mountain Zone</u>	<u>Desert Zone</u>
Juniors-Only	Sept. 27 – Sept. 28, 2008	Jan. 31 – Feb 1, 2009
Falconry-Only	Sep. 29 – Oct. 2, 2008	Jan. 26 – Jan. 29, 2009
General Duck	Oct. 3, 2008 – Jan. 11, 2009	Oct. 17, 2008 - Jan. 25, 2009
Scaup	Oct. 18, 2008 – Jan. 11, 2009	Nov. 1, 2008 – Jan. 25, 2009
General Goose	Oct. 3, 2008 – Jan. 11, 2009	Oct. 17, 2008 - Jan. 25, 2009
Partial season	Nov. 13, 2008 – Jan 11, 2009	Nov. 27, 2008 – Jan 25, 2009
Restricted Goose Hunts	Nov 15, 2008 - Jan. 11, 2009 (Units 1 and 27) Nov. 15, 2008 - Jan. 25, 2009 (Units 22 and 23)	

The Mountain and Desert Zones in Arizona are defined by unit within the Federal Register as follows: Desert (South) Zone: Those portions of Units 6 and 8 in Yavapai County, and Units 10 and 12B-45. Mountain (North) Zone: Units 1-5, those portions of Units 6 and 8 within Coconino County, and Units 7, 9, and 12A. Essentially, the North Zone is in the mountainous, high elevation areas of Arizona; the South Zone is in the lowland, desert areas.

The Department recommended adoption of the federal bag limit of seven ducks (including mergansers) per day, with no more than two female mallards, two redheads, one pintail, and two scaup; the scaup season is a shorter season, 86 days in each zone. Canvasback season is closed. Recommended possession limits for ducks are 14 after opening day, with no more than four redheads, two pintails, four scaup. Recommended goose bag limits are no more than six white geese (snow, including blue and Ross' geese) and three dark geese (Canada and white-fronted). Recommended goose possession limits are no more than 12 white geese and six dark geese. The Department recommended that the Commission adopt the species bag limits as prescribed by the Service for the 2008-2009 waterfowl season.

Coots and Common Moorhens: Commission Order 21 includes bag limit and season structure for coots and common moorhens within the general duck season frameworks. The Department will continue to recommend the full Federal framework and bag limit on coots and moorhens which is 25 per day, either singly or in the aggregate. Possession for coots and moorhens is 25 in possession, either singly or in the aggregate. Although an Arizona State Waterfowl Stamp is not required for harvest of these species, hunters taking coots or moorhens must have in their possession an Arizona Migratory Bird Stamp that registers them for the Harvest Information Program.

Commission Order 22 - Snipe

During the 2007-2008 season, hunters harvested 130 snipe. In the 2006-2007 season, hunters harvested 233 snipe. Snipe hunter participation and harvest are derived from the waterfowl questionnaire. Even though a waterfowl stamp is not required to hunt snipe, most snipe are taken opportunistically by waterfowl hunters.

The Department recommended that the Commission approve a general snipe season consistent with the total allowable season days and bag and possession limits allowed by the Service for Pacific Flyway states. In Arizona, the allowable bag is 8 snipe per day with a possession limit of 16 after opening day. Seasons for snipe are recommended to run concurrent with the general waterfowl seasons in each of the state's zones.

Motion: Hernbrode moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 21 - WATERFOWL AND COMMISSION ORDER 22 - SNIPE, AS PRESENTED.

Vote: Unanimous

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6. Consideration of Proposed Commission Orders 5, 6, 8, and 9, for Spring 2009 Hunting Seasons.

Presenter: Brian F. Wakeling, Big Game Management Supervisor

Mr. Wakeling briefed the Commission using a PowerPoint presentation that included current and historical information with charts and graphs. The Commission was asked to consider and approve Commission Orders 5, 6, 8, and 9 (spring turkey, spring javelina, spring buffalo, and spring bear) establishing seasons and season dates, bag and possession limits, permit numbers, and open areas. There were no public meetings held specifically regarding hunt recommendations for spring 2009, although an open house was held in each region where the public could review these hunt recommendations. The recommendations were also posted on the Department web site and press releases were provided to let the public know of their availability. The Commission was provided with the Department's proposals prior to this meeting for review and consideration.

The Commission provided the Department with direction about enhancing opportunity for hunters in Arizona through the hunt guidelines approved in August 2007. Specific amendments

target juniors hunting for turkey and javelina, as well as an archery javelina season in metro units and early season bear hunts. The Department recommended juniors turkey hunting seasons that will be offered as over-the-counter permits in Units 1, 3C, 4A, 4B, 5A, 5B, 6A, 6B (except Camp Navajo), 7, 8, 10, 12A, 23, and 27. Juniors javelina permits are recommended at 990 permits, which comprise 3.5% of the spring permits. Javelina seasons in metro units are recommended as over-the-counter archery seasons. Several units will offer over-the-counter general or archery bear permits during the March 20–April 30, 2009 season.

Commission Order 5 – Spring Turkey

For spring turkey seasons in 2008, the Commission authorized 7,007 limited weapon shotgun shooting shot and 350 juniors permits. These hunts had 13,281 and 582 first choice applicants, respectively. In spring 2008, 6,003 hunters harvested 1,155 turkeys, which provided 24,035 hunter days and 19% hunt success.

For 2009, spring limited weapon shotgun shooting shot seasons were recommended at 7,265 permits, a 282-permit increase over last year. This is the highest number of spring turkey permits recommended in Arizona to date. These permits were recommended to be offered during stratified seasons occurring April 24–30 and May 8–21 or May 1–21, 2009.

Limited weapon shotgun shooting shot seasons for juniors only were recommended in Units 1, 3C, 4A, 4B, 5A, 5B, 6A, 6B (except Camp Navajo), 7, 8, 10, 12A, 23, and 27. These permits would be unlimited in number and could be purchased over the counter. The season dates for the juniors-only season are recommended to be April 17–May 21, 2009.

Included within these permit increases are increases to Gould's turkey hunting. The Huachuca Mountain population remains robust and serves as a source of translocations. Last year, 50 turkeys were relocated from this population in Unit 35A into the Santa Rita and Catalina Mountains, and relocations are planned for the upcoming year as well. Permits were recommended to increase from 6 to 8 (4 in each season) in Unit 35A.

The Chiricahua population is also expanding, and permits in Unit 29 were recommended to increase from 2 to 10 (5 in each season) this year. The Chiricahua population may serve as a source for transplant turkeys this upcoming year as well. A new Gould's turkey hunt in the Pinaleno Mountains was recommended for 2 permits (1 in each season) in Unit 31.

Mr. Wakeling pointed out an inaccuracy within the certification copy of the hunt recommendations. Unit 20A had inaccurate season dates that were off by a single day for beginning and ending dates. He clarified the intent of the Department was to recommend season dates for spring turkey in Unit 20A that was identical to those for other stratified seasons.

Public Comment

David Myrick, Desert Christian Archers, was not present, but previously submitted a blue slip with comments and requested his comments be read aloud.

Chairman McLean read Mr. Myrick comments into the record (see attached comments).

The Commission discussed that Mr. Myrick was asking for an allocation of some specific percentage of tags for a GMU that would go to archery only spring turkey hunters as opposed to general spring turkey tags for shotgun or archery. He also requested that those tags allocated to archery only be given a separate season.

Commissioner Woodhouse suggested that the Department discuss with Mr. Myrick his suggestions prior to the next guidelines package and explain that the Commission might entertain his suggestions along with some other changes at that time.

Motion: Martin moved and Freeman seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 5 – SPRING TURKEY, AS PRESENTED.

Vote: Unanimous

Commission Order 6 – Spring Javelina

Department javelina permit and season recommendations were based on Commission direction, public comment, and hunt guidelines. In August 2007, the Commission directed the Department to equitably distribute permits according to statewide demand. Based on the 5-year average of application demand, the Department recommended providing about 42% general, 35% archery, 19.5% handgun, archery, and muzzleloader (HAM), and 3.5% junior permits. Archery seasons were recommended for January 1–22, 2009, juniors seasons for January 23–February 1, 2009, HAM seasons for February 6–15, 2009, and general seasons for February 20–26, 2009.

Last year, 7,757 archery hunters harvested 2,229 javelina for a 29% hunt success. For juniors, 684 hunters took 273 javelina for a 40% hunt success. General and HAM hunters had lower success; 9,520 general season hunters took 1,999 javelina for 21% hunt success and 4,137 HAM hunters took 692 javelina for a 17% hunt success.

This year's spring recommendation was for 11,680 general, 990 juniors, 5,405 HAM, and 9,895 archery permits. This is a decrease of 25 general permits, an increase of 20 juniors permits, a decrease of 35 HAM permits, and an increase of 250 archery permits. Over-the-counter permits were recommended for archery hunts in metropolitan units, specifically Units 25M, 26M, 38M, and 47M.

Mr. Wakeling noted a correction that needed to be made in the hunt recommendation package and that was to take Unit 11M out of the multi-unit hunt and place it within the over-the-counter archery metro unit hunt.

Chairman McLean suggested that for future hunt guidelines recommendations the Department look into switching the HAM (which includes archery) with the archery season due to the high success rate of archery.

Motion: Hernbrode moved and Woodhouse seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 6 – SPRING JAVELINA, AS PRESENTED, WITH THE AMENDMENT OF TAKING 11M OUT OF THE MULTI-UNIT HUNT AND PLACING IT WITHIN THE OVER-THE-COUNTER ARCHERY METRO UNIT HUNT.

Vote: Unanimous

Commission Order 8 – Spring Buffalo

In 2008, 10 spring permits were authorized for the House Rock Wildlife Area herd in Units 12A and 12B. Nine hunters participated, and 8 harvested buffalo, primarily towards the end of the season, which ended on May 31, 2008. The Department recommended an increase in tags to 14 for spring 2009, with season dates that will run from January 1–June 14, 2009. This is an extension of season length by 2 weeks.

For 2009, no spring tags were recommended for the Raymond Wildlife Area herd in Units 5A and 5B. Currently, the herd is slightly below management objectives and no harvest is warranted.

Public Comment

David Myrick, Desert Christian Archers, was not present, but previously submitted a blue slip with comments. Chairman McLean read Mr. Myrick's comments into the record (attached to minutes).

Chairman McLean further shared comments from his discussion with constituent Mr. Eichelberger. Mr. Eichelberger believes that cutting off the general spring buffalo hunt on the last day in May still provides adequate opportunity to take a buffalo. The special tag hunters want to hunt after the general hunters are out of the field and if the season was shortened to only two weeks of no competition hunting it would decrease the value of the two special auction tags, which provides funds for water projects in the House Rock area.

The Commission discussed the water projects with Department staff and Regional Supervisor Ron Sieg. With the special tag funds, the Department plans to put in two 10,000-gallon storage tanks, work on the waterline system that goes out to the west, and put in three free-standing drinkers to the south for all general wildlife.

Commissioner Martin commented that while she understands the funding concerns, she is philosophically uncomfortable with the idea of managing for the value of special tags. The Commission needs to manage for the general hunter and for population sustainability and then enjoy what the Department is able to get for the special tags.

The Commission further discussed the buffalo hunt and related issues at House Rock and the Department's recommendation.

Motion: Woodhouse moved and Martin seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 8 – SPRING BUFFALO, AS PRESENTED.

Vote: Unanimous

Commission Order 9 – Spring Bear

Relatively little harvest occurs during Arizona's spring bear hunts. On average, about 6 bears are harvested, and in 2008 one female and 9 males were taken. Routinely about 1,400 applicants apply for about 580 permits offered in the spring.

In accordance with the hunt guidelines approved in August 2007, several general bear hunts (Units 22, 23N, 24A, 27, 29 and 30A, 31, 32, 34A, and 35A and 35B [except Fort Huachuca]) and archery (Units 3B and 3C, 33) were recommended to offer over-the-counter permits during the March 20–April 30, 2009 season. This time period has had the lowest bear harvests historically, with an average of about two bears per year. Generally three times more male than female bears are taken during this time period. Each hunt will have a female harvest limit, and any female bears taken during this time will apply to the annual female harvest limit that would close subsequent hunts if met.

One permitted general bear hunt was recommended in Unit 6B (except Camp Navajo) with 5 permits and a female harvest objective of one. Permitted archery-only bear hunts were recommended to occur in Units 3B and 3C, 22, 23N, 33, 34A, 35A and 35B (except For Huachuca), and Fort Huachuca in Unit 35A. Total permits were recommended at 270. On average, about 4 bears are harvested annually during this time period, and one fourth of this harvest comprises female bears.

Female harvest limits for general hunts total 13 and for archery hunts total 12 (Fort Huachuca harvest limits are a subset of Unit 35A). This is an increase from 2008 of 3 for general and 1 for archery. Annual female harvest limits for each unit remain unchanged from 2008.

Mr. Wakeling noted a correction that was made in the hunt recommendation package and that was that Unit 33 was listed as having 0 as a female harvest limit and should have been listed as 1 female harvest limit.

Motion: Woodhouse moved and Hernbrode seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 9 – SPRING BEAR, AS PRESENTED.

Vote: Unanimous

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Meeting recessed for a break at 12:51 p.m.

Meeting reconvened at 1:17 p.m.

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7. Formation of a Constituent Group to discuss Wildlife Management in Arizona's Designated Wilderness Areas

Presenter: Bob Broscheid, Assistant Director, Wildlife Management and Acting Deputy Director

Mr. Broscheid discussed with the Commission the formation of a group to discuss Wildlife Management in Designated Wilderness Areas in an effort to reach consensus on the issues. At the May 2008 meeting, the Commission directed the Department to present a proposal that

included the formation of a group of constituents and to identify various constituent groups, objectives and timelines, as well as potential involvement of the Commission.

Public Comment

Ken Crumba, Director of Conservation, Grand Canyon Wildlands Council, spoke in support of the formation of this group

Stephanie Nichols-Young, ADLA, stated that she is not sure of forming a committee, but supports continuing discussions on wilderness, and further suggested scheduling a meeting for all interested parties to discuss the issues.

Mark Quigley, Sky Island Alliance, supports the formation of this group and would like to play a substantive role as this moves forward.

Commissioner Hernbrode asked if Sky Island would support a one day workshop.

Mr. Quigley stated that he will offer logistical support and will ask his organization for financial support to hold a one day workshop.

Ms. Nichols-Young committed up to \$5,000 from ADLA to support a field trip and informal discussions prior to the workshop.

The Commission discussed the following:

- Guidelines for cooperation
- Selecting objectives for the group
- The number of participants (large formal group or small and informal)
- How would participants be selected
- Open meeting laws
- How the Commission would participate (possibly rotate two Commission members)
- And how valuable it would be to build better relations and alliances, and to have a better understanding of each others viewpoints.

The Commission was in consensus that the Commission and Department would increase efforts to build relationships by meeting and discussing the issues with the various groups in small informal settings. This could set the stage for developing a larger working committee in the future.

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8. Hunt Permit-tag Application Schedule for Spring 2009 Hunts

Presenter: Harry Seck, Assistant Director, Special Services

The Commission was provided with a brief presentation relating to the hunt permit-tag application schedule for the spring 2009 hunting seasons (attached to minutes). The application schedule identifies proposed acceptance dates and deadline dates for all hunts associated with the

draw process. In addition, the proposed dates for when hunt permit-tags and refund warrants will be mailed are also identified, along with information relating to the first-come/first-serve process for any permits that may still be available.

Motion: Woodhouse moved and Martin seconded THAT THE COMMISSION VOTE TO APPROVE THE APPLICATION SCHEDULE FOR SPRING 2009 HUNTS AS PRESENTED.

Vote: Unanimous

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10. Call to the Public

There were no requests from the public to speak.

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11. Director and Chairman's Report

Director Voyles reported the following activities since the last Commission meeting:

- Participated in two IWJV Conference calls
- Met with the Arizona State Rifle and Pistol Association regarding shooting ranges & general hunting issues
- Met twice with the Deputy Land Commissioner
- Became a member of the Arizona Wildlife Finance Corporation
- Attended the citizen ceremony for Paco Abarca
- Met with RJ Cardin with Maricopa County Parks
- Met with constituents regarding the Mexican Wolf
- Met with the Coconino National Forest Supervisor
- Participated in a conference call w/Jessica Youle, Sr. Director of Energy and Policy with the Department of Commerce
- Attended the WAFWA conference in South Dakota
- Attended the AAF Fundraiser Banquet
- Met with several sportsmen groups
- Attended the Pacific Flyway Council meeting in Spokane, Washington
- Attended the Governor and Commissioner's quarterly meeting
- Attended the Mexican Wolf AMOC Director's meeting in Morenci, AZ
- Met with constituents in the Eagle Creek, Blue River, and Beaver Creek area
- Attended a TIME Coalition Meeting with Tom Ziemba and Chairman McLean
- Attended the Cattlegrowers Convention Opening Session
- Welcomed four new WM trainees to Field Operations and to the Department
- Met with NAU's Regent Professor Wally Covington and the Ecological Restoration Institute

Chairman McLean reported the following activities since the last Commission meeting:

- Participated in the Arizona Wildlife Financial Corporation meeting in which Director Voyles was voted in as a board member

- Attended the WAFWA meeting in South Dakota
- Toured Schoolhouse Park and Francis Short Park
- Chaired and attended the HPC meeting in Pinetop
- Attended the Governor and Commissioner's quarterly meeting
- Attended the TIME Coalition meeting
- Met with the new WM trainees

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12. Commissioner's Reports

Each Commissioner reported their activities since the last Commission meeting.

Commissioner Woodhouse:

- Participated in the July 3rd Telephonic Commission meeting
- Attended the WAFWA in South Dakota
- Met with the Sky Island organization along with Commissioner Hernbrode
- Met with constituents regarding the TIME Initiative

Commissioner Martin:

- Attended the WAFWA meeting in South Dakota
- Attended the AAF Fundraiser Banquet
- Attended the Governor and Commissioner's quarterly meeting
- Prepared for and held the first Conservationist Committee meeting
- Worked on preparations to chair the Commissioner's Forum at the AFWA conference

Commissioner Hernbrode:

- Attended the Malpai Borderlands meeting
- Participated in the July 3rd Telephonic Commission meeting
- Worked with Department staff on the Director's Goals and Objectives
- Attended the WAFWA meeting in South Dakota
- Met with several University of Arizona professors and natural resources personnel
- Met with the Sky Island organization
- Spent a week in Oregon
- Discussed issues with the Arizona Wilderness Coalition Executive Director

Commissioner Freeman:

- Was interviewed on a local radio program in Prescott (first day as Commissioner)
- Met with Department staff regarding the July 3rd Teleconference Commission meeting and attended that meeting
- Went through new Commissioner orientation at the Department
- Met with IBM's Global 3D Director to explore potential opportunities regarding software programs for the Department
- Met several times with the Department's Information Systems staff
- Toured Department projects around Flagstaff with the Regional Supervisor

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13. Approval of Minutes and Signing of Minutes

Motion: Martin moved and Woodhouse seconded THAT THE COMMISSION VOTE TO APPROVE THE COMMISSION MEETING MINUTES FROM JUNE 27-28, 2008 AND JULY 3, 2008.

Vote: Unanimous

Following approval, the Commission signed the minutes from June 27-28, 2008 and July 3, 2008.

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14. Future Agenda Items

Mr. Broscheid reporting capturing the following action items and future agenda items from this meeting:

- Schedule a Commission meeting in November to discuss the Director's Goals and Objectives
- Follow up with Congressman Grijalva's office on the Tumacacori legislation
- Reschedule presentations on the State Trust Land Reform and the TIME Initiative for the September Commission meeting
- Schedule the Adobe Mountain capital campaign on the Commission meeting agenda for significant updates as needed
- The Branch Chief Gardner will contact Chairman McLean regarding a private landowner in Region V in regards to black tail prairie dogs and pronghorn antelope
- Ensure that the online draw application sufficiently includes a prominent message that the online application form is not submitted online, but must be printed and submitted by mail or drop off
- Schedule at a future Commission meeting the bald eagle genetics (cost, timeline, evaluation of southwest population)
- Evaluate habitat protection mechanisms under Title 17 that are currently there or could be proposed under the authority of the Commission, and propose for future rulemaking
- Branch Chiefs Gardner and Avey will meet with Commissioner Martin to discuss follow up on the bald eagle related issues and habitat protection
- Continue efforts regarding surveys and outreach of non-deerhunters on the Kaibab related to lead contamination of California condors
- Ensure that dialogue occurs with archery groups in preparation of the next hunt recommendation package regarding archery only spring turkey season
- The Department will contact various wilderness interest groups to schedule additional field trips with Department staff, Commission members, and conservation groups in an effort to continue with relationship building
- The Department will contact Chairman McLean and the Utah Division of Natural Resources to identify potential dates a joint Commission meeting to discuss the condor.

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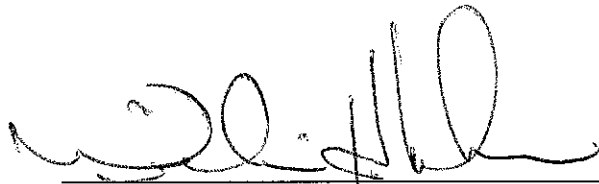
Motion: Martin moved and Woodhouse seconded THAT THE COMMISSION VOTE TO ADJOURN THIS MEETING.

Vote: Unanimous

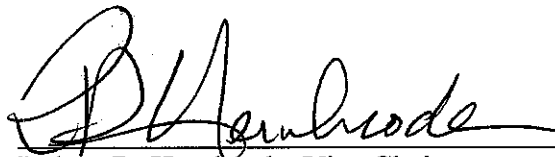
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Meeting adjourned at 2:16 p.m.

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William H. McLean, Chair



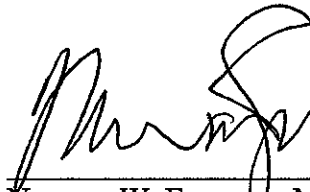
Robert D. Hernbrode, Vice Chair



Jennifer L. Martin, Member

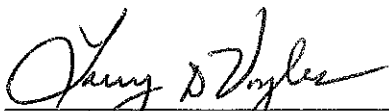


Robert R. Woodhouse, Member



Norman W. Freeman, Member

ATTEST:



Larry D. Voyles
Secretary and Director

**Game and Fish Litigation Report
Presented at the Commission Meeting
August 8, 2008**

The Assistant Attorneys General for the Arizona Game and Fish Commission and the Arizona Game and Fish Department are representing these agencies in the following matters in litigation. This report does not include claims and lawsuits for damages against these agencies in which the agencies are represented by Assistant Attorneys General in the Liability Defense Section of the Attorney General's Office.

1. *Wilderness Watch, Inc. et al. v. United States Fish and Wildlife Service et al., CV01185-MHM.* Plaintiffs filed suit on June 15, 2007, challenging the decision of the U.S. Fish and Wildlife Service ("FWS") to redevelop two water structures on the Kofa National Wildlife Refuge. The water structures provide supplemental water to wildlife populations that have suffered due to persistent drought. Plaintiffs allege that these water developments violate the National Environmental Policy Act because the FWS did not first determine the environmental impact of these projects. Plaintiffs also allege that such permanent structures are prohibited by the Wilderness Act. Plaintiffs seek declaratory and injunctive relief. They are asking the court to find that the FWS violated the law and to order the FWS to remove the structures.

The Commission has voted to file an application with the court to intervene on behalf of the FWS. Any court order finding that the FWS violated federal law will impair the Commission's ability to restore the wildlife populations in the refuge and in other wilderness areas in Arizona. The Attorney General's Office anticipates that a motion to intervene will be filed by August 15th.

On August 7, 2007, the State filed its Motion to Intervene. Plaintiffs, in response to the State's motion, did not object to the State's permissive intervention, so long as the court imposes restrictions on the State's participation, such as page limits, requiring the State to file joint briefs with the other intervenors, and prohibiting the State from duplicating arguments made by the federal defendants. On August 29, 2007, the State filed a reply in support of its Motion to Intervene and opposed any restrictions on the State's intervention.

On August 20, 2007, the State also filed a response to plaintiffs' Motion for Temporary Restraining Order.

On August 30, 2007, the federal defendants filed an answer to plaintiffs First Amended Complaint.

The court has issued a scheduling order for the parties to file motions for summary judgment. The plaintiffs' motion is due December 14, 2007; the defendants' cross-motion and response is due February 1, 2008; plaintiffs' response/reply is due February 29, 2008 and defendants' reply is due March 14, 2008.

Plaintiffs have withdrawn their motion for a temporary restraining order so the status quo will remain until the court rules on the motions for summary judgment.

As for the motions to intervene filed by the State of Arizona and various conservation organizations, the court has indicated it will not likely rule on these motions prior to the time the

parties file their motions for summary judgment. The court, however, granted permission to the applicants for intervention to file motions for summary judgment. Also, the plaintiffs stated on the record that they have no objection to the State of Arizona intervening in the case.

On February 1, 2008, the State of Arizona, the federal defendants and conservation groups filed separate cross motions for summary judgment and responses to the plaintiffs' summary judgment motion.

On February 29, 2008, the plaintiffs filed a response to the cross motions for summary judgment. Defendants have until March 14, 2008, to file replies.

On March 4, 2008, the court granted the motions to intervene by the State of Arizona and the conservation groups.

On March 14, 2008, the State of Arizona and the other defendants filed replies to the plaintiffs' cross motion for summary judgment.

On April 2, 2008, the organization Public Employees for Environmental Responsibility ("PEER") filed a motion for leave to file an amicus curie brief in support of the plaintiffs' cross motion for summary judgment. At the same time, PEER lodged its amicus brief with the court clerk. Each defendant has filed a response opposing PEER's motion for leave. Not only is the motion untimely, the brief that PEER has lodged contains many additional factual assertions not included in the administrative record. This attempt to supplement the administrative record with new information violates the established law in this area.

The parties filed supplemental briefs on June 3, 2008, addressing the issue whether the Wilderness Act or the National Wildlife Refuge Improvement Act controls in this case. Oral argument on the cross motions for summary judgment took place on June 12, 2008. The court has taken the motions under advisement. The court has not yet ruled on the pending motion by PEER to file an amicus brief. The defendants and intervenors are awaiting a ruling before they can file any response. The defendants are also awaiting a decision on their motion to strike affidavits that the plaintiffs' filed with their cross motion for summary judgment.

(5/12/08) (JFO/SDC)

Lands Update
For the Arizona Game and Fish Commission
August 1, 2008
Flagstaff, Arizona

FEDERAL LAND MANAGEMENT PLANNING

Apache-Sitgreaves National Forest

Motorized travel management planning continues on the Forest. The Forest has contracted with a private firm, Ecosphere Environmental Services, to assist in the analysis processes. Using information and data supplied by the Forest, the contractor will manage the process and organize, assemble, and compile the required documents. The contractor is currently analyzing the public comments to identify the issues and concerns raised in the comments. The Draft Environmental Impact Statement (DEIS) is expected to be available for public review and comments in June 2009. The Final Environmental Impact Statement (FEIS) is expected to be completed in November 2009. The Motor Vehicle Use Map (MVUM) is expected to be published in the Spring of 2010.

SB 1441 HABITAT RESTORATION AND ENHANCEMENT FUND

Sheep Wash Ecosystem Restoration

Due to recent wildfire activity on the Clifton Ranger District (Hot Air Fire – late June through early July 2008), and the associated redeployment of District personnel and equipment resources that was required to fight this wildfire, the District was unable to complete additional thinning during this reporting period

U.S. FOREST SERVICE

Forest Service Statewide

Department personnel attended two meetings of the Governor's Forest Health Council in Flagstaff. The first meeting dealt with implementing findings of the wood supply working group and created a sub committee to work on implementation. The council was briefed by the Regional Forester on how the Forest Service will work toward planning for implementation over the next four months.

The second meeting dealt with pinyon-juniper woodlands and the potential for harvest. Several briefings were presented at the meeting which discussed existing and potential uses for the wood. Pressed logs made of pinyon and juniper wood chips and burning woodchips to fuel power plants were some of the ideas discussed.

Apache-Sitgreaves National Forests

The Department provided comment on the DEIS for the proposed Black River Land Exchange dated May 2008. In a letter dated July 3, 2008 the Department expressed support for the proposed land exchange based on the overall benefit to wildlife resources associated with the exchange. The exchange would result in 337.74 acres of Federal lands, consisting of Ponderosa

pine dominated uplands north of the community of Greer, being exchanged for 396.35 acres of non-Federal lands along the West Fork of the Black River and the Blue River. Lands to be acquired by the Forest would include 118 acres of riparian habitat and over three miles of perennial stream channel.

Department personnel along with members of the Natural Resources Working Group (NRWG) and the White Mountain Stewardship Project Multi-Party Monitoring Board (MPMB) attended the Rim Lakes Analysis Area field review on July 8, 2008. The Forest conducted the review to inform the MPMB and NRWG of the proposed thinning treatments within the 33,600 acre Rim Lakes Forest Health Project on the Black Mesa Ranger District. Forest staff also solicited input on proposed actions and discussed two primary issues which prompted this review (removal of large-diameter trees and potential administrative processes that may or may not conflict with White Mountains Stewardship Contract). A Draft Environmental Assessment (DEA) is being developed which will include possible alternatives. The Department will review the DEA when it becomes available.

Construction of the Fairchild Draw elk enclosure fence on the Black Mesa Ranger District was completed on July 17, 2008. The enclosure fence was funded through an Arizona Water Protection Fund Grant which was awarded to the Department in August 2007. The fence was constructed to protect and provide conditions favorable for the recovery of 16 acres of wet meadow, including one mile of intermittent stream channel.

Coconino National Forest

The region has been participating in the Coconino Community Sustainability group that is attempting to find ways to improve communication between the local community and the Forest.

The region attended a meeting and then a field trip to the Railroad project with the Peaks Ranger District. This is a small wildland-urban interface thinning project. The Railroad project is of special interest because it is adjacent to one of the best wildlife crossings between Flagstaff and Williams along Interstate 40. Treatment prescriptions are still being developed and the region will continue to be involved.

Coronado National Forest

The Draft Environmental Impact Statement (DEIS) for the Pinaleño Ecosystem Restoration Project will be ready for public review soon. The Forest worked closely with the Department to develop this proposal that will address both the forest health needs and the sensitive wildlife needs. A major objective of the project is to protect the habitat of the Mount Graham red squirrel. In September, the Department will be hosting a meeting of the Pinaleño Science Collaborators, a group of interested scientists and conservationists, to ensure that this group is informed of the project and the design criteria for protecting wildlife habitat.

The Department sent scoping comments to the Forest on the proposed Rosemont Copper Project. The Department is concerned about the loss of wildlife habitat and recreation opportunity if the mine is permitted. There are also issues of water withdrawal and potential pollution of other important wildlife habitats (Davidson Canyon and Cienega Creek). The Department has

requested cooperating agency status and membership on the ID team for the development of the Environmental Impact Statement.

Forest and Department personnel are actively working together in the recovery of the Chiricahua Leopard frog. During June of this year personnel from both agencies have been surveying potential release sites and engaged in the removal of predatory tiger salamanders from potential release sites. This population of frogs, which was feared extirpated, straddles the Forest boundary. There are several occupied sites on State Land which are reservoirs created by recent agate quarrying activity. It is unclear at this time how the State Land Department will manage the quarry sites.

Kaibab National Forest

The Region has been involved with planning for a 126-mile stretch of fencing along the western border of the Navajo Nation. This fence has been missing and in various stages of disrepair for years. Due to the poor condition of the fence, there has been trespass grazing on the Forest. Because this area supports pronghorn, mule deer, elk, and bighorn throughout various sections, the Department is recommending the plan include permeability or non-permeability, depending on the species. In areas where there are pronghorn, mule deer and elk, we are asking for multiple crossings. In areas where there are bighorn we will be asking for non-permeable fence in order to eliminate contact with domestic sheep that graze on the Navajo Nation. To date, only 17 miles of the 126 are being planned and likely implemented this fall. These 17 miles include habitat for pronghorn, deer, and elk but not bighorn.

Region II has been working with the Williams Ranger District on the McCracken Timber Project. The project design is complex but well thought out. The sale is designed using a large number of prescriptions carefully fit to the variety of sites. One of the most interesting parts of the project has been a discussion of how to manage habitat along a pronghorn migration corridor.

Prescott National Forest

The Game Management Unit (GMU) 21 juniper thinning projects continue to expand treatment into areas adjacent to the past several years work on Sycamore Mesa in the Agua Fria National Monument. Currently the Department is collaborating with the Forest to complete National Environmental Protection Act (NEPA) and Endangered Species Act (ESA) consultations to expand juniper thinning along pronghorn movement corridors on the Forest. The proposed treatment locations are an extension of work on BLM land to the west and will further enhance pronghorn movement between north and south core herd areas. The project will also help to restore semi-desert grasslands that have shrub invasion. The Forest has scoped the project to the public and just initiated consultation with U.S. Fish & Wildlife Service. As soon as they receive concurrence for the project a Decision Memo will be signed. The project targets another 1350 acres on the Forest, adjacent to approximately 2400 acres that are nearly complete on BLM land. Junipers will be hand cut and piled on stumps. Forest fuels teams will follow up with broadcast burning to burn the piles and adjacent grassland if fuels carry the fire. The Department also continues to partner with the BLM, and just completed treatment of 250 acres within the BLM project area. Cumulatively, this work will address landscape level concerns with habitat fragmentation for the GMU 21 pronghorn population.

Tonto National Forest

The Department is currently working to complete Arizona Water Protection Fund (AWPF) grant deliverables for the Canyon Creek Restoration Project. The project, although long-term, had a 3-year window to complete activities related to the construction of a 17 acre riparian enclosure funded by AWPF Fall of 2005. New interpretive kiosks were installed on sight to highlight the role and benefits of riparian vegetation along the stream and the project. The final report is near completion and a web page is under construction to further highlight the project. This past spring a volunteer workday was held to make repairs to 3 of the 4 enclosures within the upper Canyon Creek watershed. The event was well attended by various fly fishing organizations, most notably, The Payson Flycasters, and the Forest.

BUREAU OF LAND MANAGEMENT (BLM)

Arizona Strip Field Office

On May 9, 2008, the Record of Decision and Approved Resource Management Plan for the Arizona Strip Field Office were released to provide guidance for the management of 1,679,896 acres of BLM-administered lands in northern Arizona. The Department continues to coordinate closely with the Field Office (FO) in development of implementation-level plans, including Travel Management Plans and associated route networks.

Havasu Field Office

The Lake Havasu Field Office Record of Decision and Approved Resource Management Plan were released on July 9, 2007. The Department continues to coordinate closely with the Field Office in the development of subsequent implementation-level plans, including Travel Management Plans and associated route designations.

Hassayampa Field Office

The Hassayampa Field Office is developing a comprehensive Travel Management Plan for Central Arizona public lands, and is seeking public input to help determine where to provide connectivity for increased recreational value while minimizing impacts to the land and other resources. The Department provided input during public meetings regarding road and trail designations in the Bumble Bee, Table Mesa, Lake Pleasant, and San Domingo Wash areas and will continue to participate throughout the route designation process.

Lower Sonoran Field Office

The BLM is preparing a preliminary preferred alternative draft Resource Management Plan to be released for public review. The Department continues to participate in cooperative meetings and proactively develop comments throughout the planning process.

Kingman Field Office

During the weeks of July 21-25, August 25-29, and September 8-12, the Kingman Field Office and Regional personnel will be engaged in an inventory of all roads in the Hualapai Mountain Resource Management Unit. This route evaluation is being carried out in compliance with NEPA, in preparation for the upcoming renewal of the Hualapai Mountain Unit's Resource Management Plan.

Yuma Field Office

The Proposed Resource Management Plan and Final Environmental Impact Statement (RMP/EIS) has been released to the public. The Department is currently working with BLM on development of the La Posa Travel Management Plan.

Safford Field Office

The Department participated in a conference call with personnel from the BLM state office, Safford Field Office, and the Nature Conservancy to discuss the status of the Aravaipa Ecosystem Management Plan (AEMP). Due to position staffing issues, the Environmental Assessment (EA) has been delayed several months. Recently, a Mexican spotted owl nest was located in Turkey Creek necessitating further coordination with the US Fish and Wildlife Service and discussions on how to incorporate planning for that species into the AEMP. The nest site is near popular dispersed camping areas within the Turkey Creek Area of Critical Environmental Concern (ACEC). This area is also now accessible to the public once again due to the Graham County Superior Court ruling stating the Aravaipa Road through the Tapia property must remain open for public access. This will also trigger an update of the EA prior to publication.

Tucson Field Office

The Middle Gila Travel Management plan is scheduled for public review in the next 30 to 60 days. The Department has expressed concern to BLM with several alternatives of the plan. These alternatives add new rock-crawler routes through xeroriparian areas, and allow the continued use of rock-crawlers in washes which the Department has identified as important wildlife habitat. The Department recommended these washes be managed for this activity under a permit-only system which will rely on monitoring and adaptive management to ensure no significant damage results from this activity.

BLM NATIONAL MONUMENTS & CONSERVATION AREAS

Grand Canyon-Parashant National Monument / Vermillion Cliffs National Monument

On May 9, 2008, the Records of Decision and Approved Resource Management Plans for the Grand Canyon-Parashant and Vermillion Cliffs National Monuments were released to provide guidance for BLM-administered lands in northern Arizona. The final plan includes a series of unique route networks and designations.

Agua Fria National Monument

The draft RMP/EIS public review period ended on April 5, 2006 and the proposed final plan is expected to be released early 2008. The Department will be working closely with BLM to address submitted comments pertaining to wildlife and wildlife management.

Sonoran Desert National Monument (SDNM)

The BLM continues to develop its preliminary preferred alternatives for the draft Resource Management Plan in association with the Lower Sonoran management area to be released for public review. The Department continues to participate in cooperative meetings and proactively develop comments throughout the planning process.

BLM has announced the closure of approximately the northern third of the SDNM to all vehicle entry due to environmental damage caused by OHV use. The area being closed is north of State Route 238 and the closure is expected to be in effect for 2-3 years. The Department is currently reviewing a draft Recreation Management Plan and will continue to work with BLM to regain vehicular access for wildlife-related recreation, including hunting, as expeditiously as possible.

Ironwood Forest National Monument (IFNM)

The Tucson Field Office (TFO) continues to work on the development of a proposed final Resource Management Plan and Environmental Impact Statement for the Ironwood Forest National Monument. The TFO has indicated they are nearing completion but continue to work on issues, including recreational shooting, before the document goes out to the public.

Las Cienegas National Conservation Area (LCNCA)

Black-tailed Prairie Dog

In early 2008, the Department completed a proposal to reestablish the black-tailed prairie dog (BTPD) to southern Arizona. This document was sent out for public review and the comments received were incorporated into a final document that was completed in March of 2008. During the same time period, the Department worked closely with the Bureau of Land Management (BLM) and the grazing lessee to identify possible reintroduction sites on the Las Cienegas National Conservation Area (LCNCA) and initiate the required National Environmental Policy Act (NEPA) and archeological clearances in those areas. In February 2008, the Department also met with the stakeholders in the area on two occasions to discuss the proposed reestablishment and address concerns.

In March 2008, the Department completed the procedures for Nongame Wildlife and Endangered Species Reestablishment Projects (12-step process) for the black-tailed prairie dog. The Arizona Game and Fish Commission (Commission) was notified on March 14, 2008, of the Director's decision to move forward with the reestablishment.

On May 19, Department personnel met with the BLM, members of the Sonoita Valley Planning Partnership, and the grazing lessee to select a specific reintroduction site on the Las Cienegas National Conservation Area for the initial translocation. The group visited, evaluated, and discussed six different sites and selected one site on BLM and one on State Trust Lands as the best potential sites.

On May 22, 2008, Karen Simms of the Las Cienegas National Conservation Area met with the BLM State Office (Brian Bellew, Tucson Field Manager; Mike Taylor, Deputy State Director; Ted Cordery, T&E Program Lead) to obtain their final approval to move forward with the project. However, at these meetings some potential concerns were raised and a decision was made by the BLM to hold-off on final approval of the project at that time. On June 11, 2008, Karen Simms asked the Department to provide information that would aid in addressing the concerns that arose in the May meeting. Department personnel provided the requested information on June 16.

In mid-June, Department personnel met with the Resource Advisory Council to discuss the 12-step process and the black-tailed prairie dog project. At this time they were told that the BLM would be interested in pursuing additional public involvement before making a decision. However, no timeline or definite procedures were outlined at that time or have subsequently been made available to the Department.

To date, Nongame personnel have obtained permits from the New Mexico Department of Game and Fish and the Food and Drug Administration that will allow them to capture and translocate prairie dogs from New Mexico. Nongame personnel have also coordinated with managers of the donor site on BLM lands in southern New Mexico for the capture and translocation of prairie dogs and with Wild At Heart and volunteers from the Sky Island Alliance for burrow installation and placement. However, activities on BLM lands have been halted at this time because we have not received final approval from the BLM State Director to move forward on the project.

Arizona State Trust Land release sites have always been a component of the reintroduction project; however with recent uncertainty about our ability to release on BLM lands in the near future, the Department is further evaluating options for releases on State Trust Lands. As part of our evaluation, we will need to determine if releases solely on State Trust Land will be able to meet the projects objectives in the advent that a record of decision on the BLM EA is not signed. Currently, the Department has identified three sites on State Trust Lands, all of which are grazed by the same livestock permittee. One site has been visited and approved by the permittee, a second site was suggested by the permittee but final selection of the site has not occurred, and the third has not yet been discussed with or visited by the permittee. If additional sites are needed, the Department will evaluate sites in the proposed expansion area of Las Cienegas and will need to work with additional permittees.

In order to release BTPD on State Trust Lands, the Department will need to complete several additional steps. The NEPA process for the release on BLM lands would have been satisfied by the EA that was given to the BLM for signature on May 22, 2008. The Department is now developing an internal EA Checklist to satisfy NEPA requirements for any releases on State Trust Land. The State Land Department previously wrote a letter in support of the project acknowledging their support for reintroduction on state lands. Recent communication with Jamey Hogue, Deputy Land Commissioner affirmed their support for implementing the project on State Trust Lands. Information is being provided to the State Land Department and the grazing permittee to acquire their approval for the additional sites. All State Trust Land sites will require archaeological clearances (roughly a 10 acre footprint per site). The State Lands Department has advised that a Special Land Use Permit (SLUP) will not be required.

The Department has asked the BLM what their response will be if the Department implements this project on State Trust Lands for which they hold the grazing permit and we are awaiting their response. We believe that the BLM should support this action because the BLM received leasehold interest in the State Trust Lands within its boundaries and currently manages the lands in accordance with the guidelines for which Las Cienegas NCA was established, which include the conservation, protection and enhancement of wildlife. In addition, black-tailed prairie dog reestablishment was provided for in the 2003 Resources Management Plans for the LCNCA. In

addition, all sections of State Trust Land which contain the likely release sites have been identified in the State Trust Land Reform Bill that supports conservation actions.

Currently, the black-tailed prairie dog has no federal status under the ESA. However, the species has a long history of ESA related actions and a recent petition and subsequent lawsuit have forced the USFWS to make a 90-day finding by November. A negative finding would mean that the USFWS believes no further status review is needed. A positive finding would require the USFWS to initiate a 12-month status review of the species.

Conservation actions such as the planned reintroduction may be considered during this review process. However, due to the potential for the species to be given some level of ESA status, the Department has initiated discussions with the USFWS to begin development of both a Candidate Conservation Agreement (CCA) for Federal lands and a Candidate Conservation Agreement with Assurances (CCAA) for non-Federal lands. A new approach being developed by the USFWS, known as a joint CCA-CCAA is also being investigated. A CCAA would provide incentives for non-Federal land owners to voluntarily engage in activities to conserve species-at-risk, and in exchange, receive regulatory assurances from the USFWS that additional conservation measures will not be required and additional land, water, or resource use restrictions will not be imposed if the species becomes listed in the future. Should the USFWS list the species after a CCAA is in place, the CCAA automatically becomes a permit authorizing incidental take. The joint CCA-CCAA may be an appropriate tool to use due to the mixture of Federal and non-Federal (State Trust) Lands and the added Federal nexus that exists due to the BLM managing the grazing leases in the LCNCA. Development and finalization of these documents may take up to six months, however none are needed prior to any releases.

U.S. FISH AND WILDLIFE SERVICE

Cabeza Prieta National Wildlife Refuge

The final Comprehensive Conservation Plan/Environmental Impact Statement for the Refuge has been released and we are awaiting a Record of Decision.

Kofa National Wildlife Refuge

The Department continues to work with the U.S. Fish and Wildlife Service (USFWS) to plan, fund, and implement actions to aid restoration of the bighorn sheep population on the Kofa NWR. The Department is working with Kofa to become a cooperating agency in the preparation of an Environmental Assessment for their Mountain Lion Management Plan. Efforts to capture, collar, and monitor additional lions on Kofa are ongoing. The Department and Kofa continue to monitor and supplement water on Kofa. Water was recently supplied to Chain Tank. This required laying a considerable amount of hose to pump water to the tank, which is in wilderness. Kofa is also initiating a study to map bighorn sheep habitat and relate that to known use. Efforts continue on a study to document and monitor body condition of bighorn sheep on Kofa. More complete information on the management of bighorn sheep, lions, and water on the Kofa NWR can be found on the Department's web site. This web site is updated monthly.

DEPARTMENT OF DEFENSE (DOD)

Flagstaff Naval Observatory

The region assisted the Flagstaff Station Naval Observatory with the design and implementation of a water retention berm and seeding project. This project is intended to help restore areas disturbed by the latest timber thinning on the property.

Yuma Proving Ground

The U.S. Army Yuma Proving Ground (YPG) is considering expanding up to 500,000 acres into Game Management Unit 41 through a withdrawal of BLM land. YPG is currently evaluating the possible expansion internally and has not developed or presented a formal proposal or application to further define the purpose, need, location, and details of the proposed expansion. The Department will be actively involved in this process and will provide the Commission with more information as it becomes available.

GENERAL UPDATES

ADOT

Phoenix/Tucson I-10 Bypass

ADOT is currently tasked with re-examining the existing I-10 corridor for its maximum potential. This is basically a “no new corridor” evaluation and the results will be presented to the State Transportation Board this fall. This information would not be compared to any new potential corridor. The Department’s position has been that the need for new corridors had not been demonstrated due to the lack of evaluation of the existing corridor, so the results of this evaluation will be important. The Department will contact ADOT in the fall to see what this evaluation has determined and will at that time assess whether alternative corridors will continue to be an issue in the future.

Arizona State Land Department (ASLD)

ASLD is considering a Habitat Conservation Plan (HCP) for state trust land in Pinal County. ASLD has identified some specific goals that take into consideration most likely areas for future development. They will be meeting internally and with their Tucson reality office to finalize these areas and to gather additional information. Once they have developed a strategy they will meet with Arizona Game and Fish and other stakeholders to refine the strategy and answer questions. After they have formalized their HCP “package” it will be dispersed to the stakeholders (including AGFD) for review and questions/suggestions. The Department has provided technical assistance and updated GIS wildlife data from our Geospatial Planning Tool efforts to assist them with this project.

Black Canyon City Heritage Park

The Department collaboration with the Black Canyon City Community Association (BCCCA) is ongoing to provide technical and advisory assistance towards the development of the Black Canyon Heritage Park. The BCCCA, a non-profit organization, received a 27-acre parcel of land with 153 acre feet of water rights as a donation from the Albins Family. The parcel is adjacent to the Agua Fria River in Black Canyon City and includes portions of the rivers floodplain. The

BCCCA intends to conduct riparian restoration and redevelop an existing pond for native fish propagation/refugia. They are also in the process of developing a Conservation Easement for 22 acres of the donated property that will be held by The North Country Conservancy. The BCCCA partnered with the National Park Service to fund a 1 acre pilot restoration project (\$40,000) and is currently pursuing funding for additional restoration through the Arizona Water Protection Fund (AWPF) and funding for the conservation easement through the Department's WFC grant program. Collaborative partners on this project include the Black Canyon Historical Society, Friends of the Agua Fria Monument, North Country Conservancy, Yavapai County, BLM, USFWS, and the Department. The Department's involvement in this project will be ongoing as it is funded and developed.

City of Coolidge Annexation

The City of Coolidge approved an agreement with the Arizona Game and Fish Department to allow hunting within City limits outside of developed areas. This agreement is currently going through review within the Department.

City of Flagstaff

The Department met with the new long-range planning staff from the City of Flagstaff regarding their upcoming revision to the Flagstaff Regional Land Use and Transportation Plan. The transportation component of this plan has already begun, and the Department is currently providing wildlife habitat connectivity GIS data to the City's consultant. The City of Flagstaff is intending to create Focus Groups to help develop the various elements of the Land Use Plan, and they have invited the Department to participate in the Open Space Focus Group. The City is also considering forming a Wildlife Focus Group as part of this effort, within which the Department would play a major role.

The Department is working with the City of Flagstaff to negotiate a potential exchange of Bow and Arrow Park for a 40-year commitment of in-stream water flow in the Rio de Flag plus public access to a 3-acre City property for watchable wildlife development. If the exchange were to take place, the Department would become a 'paying customer' for in-stream effluent flow to water a stream that runs dry during mid-summer demand. This long-term flow is essential to sustain riparian and wetland habitat restoration planned in Picture Canyon. Additional flows would also be made available to enhance the Department's existing urban youth fishery at Frances Short Pond.

Crozier Canyon Ranch

Region III personnel secured a two year Habitat Stewardship Access Agreement with the Crozier Ranch near Truxton, AZ. The Department cooperated with BLM in funding the repair of four widely distributed dirt tanks located on the allotment. This action will ensure the availability of 4 year-round wildlife waters on the property - while likewise securing two years of recreational access to the ranch for hunting and other recreational interests. Regional Habitat personnel and BLM Biologists later returned to "Wright Creek" on Crozier Ranch to investigate the possibility of working cooperatively to install roughly 6 miles of riparian exclusion fencing. The team also visited some native grasslands on the ranch that have experienced significant pinyon-juniper encroachment. Discussion arose relating to the possibility of working cooperatively to do some selective juniper treatments, in order to restore native grasslands to an improved state of health.

Energy

Department personnel attended public scoping meetings hosted by the U.S. Department of Energy and the Bureau of Land Management regarding the preparation of a Programmatic Environmental Impact Statement (EIS) on Solar Energy Development in six western states. In Executive Order 13212, Actions to Expedite Energy-Related Projects, the President ordered that executive departments and agencies take appropriate actions “to expedite projects that will increase the production, transmission, or conservation of energy.” In addition, the Energy Policy Act of 2005 provides that the Secretary of Interior should, within 10 years of enactment of the Act, “seek to have approved non-hydropower renewable energy projects located on public lands with a generation capacity of at least 10,000 megawatts of electricity”. The Department is concerned about the loss of habitat and wildlife recreation opportunity with the development of utility-scale solar energy projects on public land. To meet the megawatt requirement with current technology it would require 50,000 acres or 78.125 square miles of land, and will exclude all habitat and recreation uses of this same public land. The Department has requested cooperative agency status on the development of the EIS.

The Bureau of Land Management and the U.S. Forest Service have released a Draft Programmatic Environmental Impact Statement for Geothermal Leasing in the Western United States (DEIS), which will cover all Forest Service and BLM lands in 12 western states. Department personnel attended public meetings for the DEIS and have reviewed the draft document. No current geothermal lease applications are pending in Arizona on public lands, thus this document does not approve any geothermal leases. The DEIS bases the environmental analysis on a “Reasonably Foreseeable Development Scenario”. This is not a “maximum build-out” projection, but the agencies would require additional NEPA if impacts exceed those anticipated in this DEIS. Most of the geothermal resources in the Western US are in California and Nevada. The DEIS projects that the impact to public land in Arizona would not exceed 50-350 acres. BLM land management plans will be amended to allow for permitting of geothermal leases on BLM lands, but site specific NEPA analysis will be required for any permits.

Lake Powell Pipeline

Regional staff attended an all day field trip along the proposed alignment for the Lake Powell Pipeline, which is to deliver water to St. George, Kanab, and Cedar City, UT. This project is slated to deliver water in approximately 20 years. However, planning is and will be extensive. Planning for this project will require continued coordination with Utah Division of Water Resources (UT DWR). Comments for this project were due to the Federal Energy Regulatory Commission late in July, attached is the final comment letter.

Pinal County

Pinal County has released their draft Comprehensive Plan Document for 60 day public review. The document incorporates the recently adopted Open Space and Trails Master Plan, which delineates a desired future condition for open space, wildlife corridors, and regional parks. The land use plan uses a “corridor-focused” approach to concentrate future development in the Sun Corridor along I-10, with the majority of growth focused between Highway 87 on the east and the Pinal County line on the west including all the cities from Picacho to Stanfield. Red Rock, Oracle/San Manuel/Mammoth, and Apache Junction/Gold Canyon are also targeted as “growth

areas”. A recreational/tourism economic development focus is identified for the San Pedro River Valley and “high intensity activity” centers include the Panther Butte area, Oracle Junction, and Florence Junction. Low Intensity centers are planned for the Barkerville Townsite, Oracle, Mammoth, Dudleyville, Kearny, and Superior, and the junction of the Barkerville and Florence/Kelvin roads. The Department is currently reviewing the document and will provide the County with comments. Of note is the absence of wildlife corridors which appear on the Open Space Master Plan, as well as the eastern boundary of the development corridor, currently the Barkerville Road.

Maricopa County Ordinances P-28 and P-27

Department personnel continue to work with Maricopa County Air Quality Department (MCAQD), Sheriff’s Office (MCSO), County Parks, Arizona State Parks, Arizona State Land Department, the US Forest Service, and the Bureau of Land Management on implementation of the recently enacted P-28 and P-27 Ordinances. These strict liability ordinances are designed to address dust abatement issues in unincorporated Maricopa County by making operation or parking of vehicles on lands other than roads (as defined in ordinance) unlawful. In late June the Department met with the Maricopa County Division of Air Quality and the Sheriff’s office to draft a policy allowing hunters and anglers access and parking privileges on some of the non-exempted properties in unincorporated Maricopa County. The draft of this policy is currently under legal review from the Sheriff’s Office and Air Quality Department. The Department, MCSO and MCAQD are scheduled to meet on August 19th to finalize the policy with the intent of implementation prior to the September 1st dove season opener. The Department has also sent a letter to the Pinal Air Quality Control District commenting on new rules being adopted to address air quality issues. The proposed rules would apply to portions of the Desert Wells Multi Use Area and may affect ingress, egress and parking for hunters and anglers

Responsible Development for Wildlife Sustainability

The Department is in the process of developing guidelines that are intended to provide community planners and developers information and tools to accommodate population growth while protecting wildlife habitat. They serve as a general reference for wildlife information, steps to take during planning, and Department recommendations. The Department’s vision of responsible development includes interconnected networks of large habitat blocks supporting viable populations of native species, while providing ample opportunity for people to enjoy and benefit from the presence of wildlife. The Department’s vision for the future of Arizona also includes:

- Developing Arizona communities along transportation and infrastructure corridors that are permeable to wildlife movement.
- Incorporating wildlife passage structures into roadways to improve human safety.
- Retaining contiguous swaths of open space along wildlife movement corridors and riparian areas that connect to larger habitat blocks when planning community developments, where residents can enjoy positive wildlife viewing experiences.
- Within individual developments, limiting the proportion of disturbed area within their project, utilizing native vegetation, and encouraging water conservation, ultimately allowing residents to enjoy and appreciate Arizona wildlife in their community while avoiding negative interactions.

The final document may be used in conjunction with the Governor's Smart Growth Scorecard, including a Department certification process that will rate developers in terms of wildlife conservation within their planning area. This is an important opportunity for the Department to facilitate statewide wildlife conservation efforts and coordination in light of Arizona's continuing population growth and community development.

TS-5 to TS-9 500/230kV Transmission Line Project

The Department has submitted a letter providing comments on the Certificate of Environmental Compatibility (CEC) for the APS TS-5 to TS-9 500/230kV Transmission Line Project. The Department provided recommendations for selecting an alternative with the least impact to wildlife and wildlife habitat including considerations for wildlife movement and associated corridors. The Department provided comments advocating for alternatives other than State Route 74 which may result in additional habitat fragmentation, further impeding wildlife movement. The Department does not see a need at this time to request intervenor status at the upcoming Line Siting Committee Hearing. The deadline for doing so is August 8, 2008.



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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GOVERNOR

JANET NAPOLITANO

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DIRECTOR

DUANE L. SHROUFE

DEPUTY DIRECTOR

STEVE K. FERRELL



July 7, 2008

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room, 1A
Washington, DC 20426

RE: Scoping of environmental issues for the proposed Lake Powell Pipeline Project, FERC No. 12966, Utah and Arizona

Dear Ms. Bose,

The Arizona Game and Fish Department (Department) appreciates the opportunity to provide comment on the proposed Lake Powell Pipeline. In this letter we provide the following comments pertaining to the wildlife resources of Arizona.

General Alignment Concerns- The Department requests that the project proponent fully address adjacent alignments, as was done in the earlier stages of this project. By aligning the pipeline through the Kaibab Paiute Indian Reservation, cross country travel and its associated ground disturbances would be avoided. The Department urges continued communication with the Kaibab Paiute to re-investigate this alignment as a possibility, as it was and continues to be our preferred alignment.

New roads and the spread of invasive plants- The Department has concerns that this project will include extensive road networks (both temporary access roads and that the more permanent construction access roads) adjacent to the pipeline. Extensive increases in Off Highway Vehicle (OHV) activity over the last few years has made road removal and re-vegetation extremely challenging. The analysis of the pipeline effects should consider the cumulative effects of temporary roads, as they are likely to become permanent without an aggressive effort.

In addition, impacts from traffic and increased access as a consequence of maintenance roads and failed temporary road reclamations should be considered as they pertain to wildlife harassment and the spread of invasive weeds. As such, the project proponent should address these effects by including a monitoring plan for traffic as well as the spread and treatment of weeds on a regular basis.

Invasive Aquatic Species- It is essential that impacts from possible introductions of invasive and non-native aquatic species be thoroughly analyzed and mitigated. These include species such as Quagga mussel (*Dreissena bugensis*), red shiner (*Cyprinella lutrensis*), and crayfish (*Orconectes virilis*). These species either currently are a significant limiting factor for aquatic species in the Virgin River watershed, or may become one in the future. The Department

requests some assurances that invasive species will be monitored and aggressively treated in order to prevent their spread both within Utah and downstream into Arizona.

Native Aquatic Resources- As a result of water diversions for culinary and agricultural uses, in-stream flow in the Virgin River has become a limiting factor for native aquatic species both in Utah and in Arizona. Converting water rights to guaranteed in-stream flow, in perpetuity, would be the preferred mitigation for aquatic impacts to the Virgin River system. As such, both the Utah Division of Natural Resources and the Arizona Game and Fish Department strongly recommend that there be environmental studies that include determining minimum flow requirements to sustain and produce sensitive native aquatic species and their habitats. There are several species native to the Virgin River that should be considered in these analysis, these include Virgin Spinedace (*Lepidomeda mollispinis*), Virgin River Chub (*Gila seminuda*), Flannelmouth sucker (*Catostomus latipinnis*), Desert sucker (*Catostomus clarki*), Woundfin (*Plagopterus argentissimus*), Speckled dace (*Rhinichthys osculus*).

Mule Deer- The Department has concerns related to mule deer seasonal movements near the proposed pipeline alignment on Highway 89 especially between the Cockscombs and Kanab, UT. This stretch of highway 89 is an essential north-south, seasonal travel corridor as they move from summer ranges in Utah to crucial winter habitats on Buckskin Mountain/ Kaibab Plateau in Utah and Arizona. Carrel et. Al, 1999 states that "some Interstate deer entered AZ as early as Oct and most by Nov 3, then left AZ as early as March 3rd and late as April 27". Because of this important transitional area for deer, the Department request seasonal restrictions for work from October 15th through April 30th.

This stretch of Highway 89 experiences many fatalities of deer yearly, despite the abundant signage along the roadside. This area has been identified as a top priority for wildlife highway crossing developments and exclusion fencing by both Arizona and Utah state wildlife agencies. The Department requests increased communication between project proponents, Arizona and Utah Department of Transportation's, and AZ and UT state wildlife agencies to discuss the possibility of whether the pipeline is going to be located close enough to the road to potentially impact the ability to construct effective wildlife crossing structures. The Arizona Game and Fish Department would be willing to help identify a potential wildlife crossing strategy, which would first entail funding for transmitters for deer to best define where crossing structures would occur. Funding to initiate research for wildlife crossings in this transitional area could help mitigate impacts to the Paunsaugunt mule deer herd.

Thank you for the opportunity to review this environmental scoping document and provide comment. If you have any questions, please call Andi Rogers, Habitat Specialist, Arizona Game and Fish Department in Flagstaff, AZ at (928) 214-1251.

Sincerely,

Andi S. Rogers

Literature cited:

Carrel, W.K., R.A. Ockenfels, and R.E. Schweinsburg. 1999. An evaluation of annual migration Patterns of the Paunsaugunt deer herd between Utah and Arizona. Arizona Game and Fish Department Technical Report 29, Phoenix. 44pp.



#F-6

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GOVERNOR

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August 7, 2008

Mr. Victor Mendez
Director
Arizona Department of Transportation
206 S. 17th Avenue, Mail Drop 101A
Phoenix, AZ 85007

Dear Director Mendez,

As you know, I have endorsed Proposition 203, the "TIME Initiative." The measure will provide Arizona with the means to build a comprehensive, sensible transportation system as well as a chance to preserve our unique environment and enhance the quality of life for future Arizonans.

With the passage of Proposition 203 in November, I intend for the Department of Transportation and Arizona Game and Fish to join in a partnership to implement the Open Space Conservation and Wildlife Habitat Fund (the "Fund") established in Section 28-9353 of the Time Initiative. I will look to you and Director Voyles to draft an intergovernmental agreement following the November election that establishes the terms of that partnership.

Let me take this opportunity to say I appreciate the steps you have already taken to strengthen the relationship between the two agencies, including the building of wildlife preservation corridors along roadways in particular. Prop 203 presents an opportunity to enhance and expand that partnership through the management of the Fund and other provisions in TIME Initiative. I look forward to working with you to implement all the important elements of Proposition 203 later this year.

Yours very truly,

A handwritten signature in black ink that reads "Janet Napolitano".
Janet Napolitano
Governor

#F-6



**Yuma Valley Rod and Gun Club
P.O. Box 6500
Yuma, AZ 85366**

August 7, 2008

Mr. Bill McLean, Chairman
Arizona Game and Fish Commission
5000 West Carefree Highway
Phoenix AZ, 85086

Chairman McLean,

The Yuma Valley Rod and Gun Club respectfully requests the Arizona Game and Fish Commission (Commission) to oppose the TIME (Transportation and Infrastructure Moving Arizona's Economy) Initiative. Our organization voted unanimously to oppose this initiative and provide this input. The following brief, yet factual rationale is provided for your consideration.

1) The Arizona Game and Fish Department (Department) was not part of the drafting of the language contained in the initiative which is being considered for the ballot.

2) The initiative does not provide the Commission decision making authority on matters related to wildlife, which the Department has trust responsibility to manage for the state's citizens.

3) The Department has recently experienced significant budget sweeps.

4) This Commission should not put itself in a position to be utilized as a token to demonstrate to that this is an appropriate measure to raise taxes on all citizens of Arizona, particularly when the vast majority of the money generated will be spent in Maricopa County.

In summary, with this Commission having the responsibility and experience of complete oversight of an \$80 Million budget, which generates some \$1.5 Billion to Arizona's economy, the Department at minimum should have been at the table during the negotiation and drafting of this initiative. Additionally, this Commission should be the decision making authority regarding the allocation of monies directed at mitigating impacts to wildlife. In regards to this initiative, you have no such authority. For these reasons we feel that the clear and appropriate choice is to oppose the TIME Initiative.

Respectfully,

Jim Ammons
President
Yuma Valley Rod and Gun Club

SPRING TURKEY 2009 (1 of 2)

The department is recommending the highest number of spring turkey permits ever offered to date. Turkey populations in AZ are obviously doing well. Please consider creating an Archery Only SPRING Turkey season. It is not fair to make bowhunters compete with gun hunters in the field or in the draw.

Please consider taking a small amount of the general spring turkey tags (5% per unit would be a good start) and creating an Archery Only season. Here is one of many examples that could work:

- Move the Jr. only season one week earlier.
- Start the Archery Only season one week after the start of the Jr. Only season.
- Start the General season one week after the start of the Archery Only season. This way the General season remains the same as proposed by the dept.

A few quick comparisons:

- The 2007 Fall archery only turkey tags sold equal over 40% of the 1st choice applicants for Fall^{gun} turkey hunts.
- In 2007 Fall, the General hunters had a 23% success & Archery only had a 8.4% success.

Turkey (2 of 2)

Using this statistic you could roughly create 3 archery only tags for every 1 general tag.

The current focus of the Dept. and Commission has been aimed at increasing hunting permits & opportunity and also fairness ~~among~~ among weapon types. This suggestion does both.

I apologize for not being able to address the Commission personally but due to family commitments I had to leave early. Thank you for reading my comments & your consideration.

DAVID MYRICK

SPRING BUFFALO 2009 (1 of 2)

Please consider creating an Archery Only Spring Buffalo hunt for the House Rock Wildlife Area Herd. It is not fair ~~to~~ to make bowhunters ~~to~~ compete with gun hunter in the field. The Dept. is recommending a 4 permit increase for this hunt so why can't we create a hunt for Archery Only?

Here is one of many examples that could work:

- Create an Archery Only Spring Buffalo hunt with 2 permits available for Any Buffalo. Season dates from January 1st to December 31. Keep the recommended hunt structure for the General season minus the 2 Archery Only permits. This would give the Archery Only permit holders the choice to hunt when the gun season was over.

Another consideration might be to create an Archery Only Cow hunt that starts after the General season. This could be used in place of the costly depredation hunts. ~~The permit price for~~

BUFFALO

(2 of 2)

A few quick Facts:

- In 2007, 20% of the buffalo were harvested by General Hunt permit holder with archery equipment.
- In 2008, at least 12% (maybe more) of the buffalo were harvested with archery equipment.
- By far, the majority of the auctioned commissioners' Buffalo tags are bought by bowhunters and taking with archery equipment.
- It is not a good situation for a bowhunter to have spotted and snuck to within 50 yards of a herd of buffalo to have a gun hunter start shooting in the direction of the buffalo hunter at long distances and not be aware of the bowhunters position.

Thank you for your consideration.

DAVID MYRICK

Hunt Permit-tag Application Schedule – Spring 2009

Hunt permit-tag applications will be accepted and processed in accordance with R12-4-104 and R12-4-114 and this schedule.

Drawing

	ACCEPTANCE DATES ¹	CORRECTION PERIOD ²	DEADLINE DATES ³		
HUNT	Applications accepted on or after:	Deadline 5 p.m. (MST) in Department offices	Deadline 7 p.m. (MST) in Department offices on:	Hunt permit-tags mailed out by:	Refund warrants mailed out by:
Spring Turkey	(See note 1)	Sept. 25, 2008	Oct. 14, 2008	Dec. 5, 2008	Nov. 28, 2008
Spring Javelina	(See note 1)	Sept. 25, 2008	Oct. 14, 2008	Dec. 5, 2008	Nov. 28, 2008
Spring Buffalo	(See note 1)	Sept. 25, 2008	Oct. 14, 2008	Dec. 5, 2008	Nov. 28, 2008
Spring Bear	(See note 1)	Sept. 25, 2008	Oct. 14, 2008	Dec. 5, 2008	Nov. 28, 2008

First Come ⁴

	Applications accepted by mail only on or after:
HUNT	ACCEPTANCE DATES
Spring Turkey	Dec. 1, 2008 ⁵
Spring Javelina	Dec. 1, 2008 ⁵
Spring Buffalo	Dec. 1, 2008 ⁵
Spring Bear	Dec. 1, 2008 ⁵

Notes:

1. The Department will accept Hunt Permit-tag Applications for big game listed above as soon as the applicable year hunt information is available on the Department's Web site (www.azgfd.gov), or from any Game and Fish Department office or license dealer, unless otherwise noted in the Hunt Permit-tag Application schedule.
2. If a paper Hunt Permit-tag Application that is submitted contains an

error and is received by Sept. 25, 2008, the Department will make three attempts within a 24-hour period to notify the applicant by telephone (if a phone number is provided).

3. Department offices at Flagstaff, Kingman, Mesa, Phoenix, Pinetop, Tucson and Yuma will close for business at 5:00 p.m. (MST); completed applications will be accepted at these locations until 7:00 p.m. (MST) on deadline days. No applications will be accepted after this time regardless of the postmark. Deadline dates may be extended in the event of a Department related system failure.
4. First come permits are issued if available and will sell very quickly. Applicants are advised to check with the Department before submitting an application for leftover permits. A listing of leftover permits is available by telephone at (623) 236-7702, or online at www.azgfd.gov.
5. Applications for first come permits, if available for hunts on Camp Navajo or Fort Huachuca, must be submitted by U.S. mail only to, P.O. Box 52002, Phoenix, AZ 85072-2002.